"A" Colln

1911-12

App. F. IX-4

1911

File No. 1 — 1911

Previous References

Legislature

WD 1897

Serial Nos. 1 — 6

Later References

Ker 125-28, 1

WD 1897

General and Revenue Secretariat.

A Collection

Serial Nos. Six

115

Manuscript **Part B** for March 1916

SUBJECT

The Currency Regulations.

Manuscript Iyengar

10-11-27

~~Previous Reference~~ File No 1-1911.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For March 1916.

Judicial and Legislative (Legislation).

"A" Collection. Serial Nos 1-6.

The Lunacy Regulation.

Table of contents

Serial No	Number and date of letter ana contents	Page in A Proceedings
1.	Rrom the First Assistant to the Resident. No 2968 dated 16-5-13. Informs that the Indian Lunacy Act, 1912 has been extended to the Cand M Station Bangalore and suggests the advisibility of introducing legislation on the lines of that Act in Mysore.	
2.	To the First Assistant to the Residant. No 2709 dated 6-2-15. Forwards a copy of the Mysore Lunacy Bill and informs that the same will be placed before the Legis. Council on 10-2-15.	
3.	From the First Assistant to the Resident. No 987 dated 8-2-15. Informs that the Resident sees no prima facie objection to the Bill being placed before ~~th~~ the Legis Council.	
4.	To the First Assistant to the Resident. No Pol 423 dated 28/29-10-15. Forwards two copies of the Bill and requests to obtain the sanction of the Govt. of India for the Bill being passed into law.	
5.	From the First Assistant to the Resident. No 8536 dated 25-11-15. Informs that the Governor General in	

Council has accorded his consent to the Bill .

6. To the Compiler, Mysore Gazette.No J 3604 dated 6-3-16.

Orders the publication of the Mysore Lunacy Regulation as Regulation No I of 1916.

T V R.

G.R.S. 11] 1901-12

GENERAL AND REVENUE SECRETARIAT.

(Legislative)

NOTES.

File No. 1-11

FILE HEADING.

The Lunacy Regulation

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Sub. The Guardians and Wards Regulation having become law, the question of repealing the ~~Lunacy~~ Rule relating to Lunacy and Lunatics' estates in Mysore contained in Rule 22 of the Rules relating to the Custody and

NOTES—First sheet

GPB—15,000—24-4-09.

Serial No.

guardianship of Minors, Distd & other disqualified persons published with the Chief Commissioner's Notification of the 25th April 1872 and replacing the same by a self contained Regulation such as has already been proposed may perhaps be considered. ~~Solicited orders with reference~~ There is already a draft Regulation prepared and published. Only Section 26 and reference thereto in the Statement of Objects and Reasons & Consequently the latter has to be altered a little. Submitted for orders with reference.

JKS (25) 1/7/11. SNM

2) In view of the opinions expressed in the file below, orders are solicited as to whether legislation is to be undertaken

S. Hariramdaya

1/7/11

14 2nd 3) I see no harm in proceeding with the Regulation. The draft may be sent to the Ch Ct and their opinion invited on the desirability of legislating.

4/7/11 Hariramdaya

NOTE— Contn. sheet.

(TPB—50,000—12-8-10)

G.R.S. 12]
General and Revenue Secretariat.

Legis File No. 1 of 1911

Serial No.	
	4) Bring up pasmalle for scrutinising the draft. S. Hiranmaya 6/7/11
	5) Ld. S. You seem that the Govt. of India are now reviewing their old Bombay law. May we pass one of their new Bill which is under their consideration at present into law be awaited ? MS 7/7/11 SN(11) [What did you see it?]
	S. Hiranmaya 30/6/11
	6) The Govt of India Gazette containing the Bill is submitted herewith. MS SN(11) 31/6/11
	7) May we wait till the Bill before the Govt of India is passed into law, the Bill seems to be an improvement on the Existing Acts, tho' we may not require such an elaborate piece of legislation. S. Hiranmaya 2nd 8/7/11 7/7/11 We may wait till then.

NOTE—Contn. sheet.

GPB—55,000—27-4-[illegible]

G. R. S. 12]
neral and Revenue Secretariat.

Legis. File No. of 19 11

Serial No.

bill before the Govt of India makes further progress. In the meanwhile the present bill & the acts published by us may be compared & additions &c suggested.

H. V. Nanjundayya

9/11/11

(2)

Yes

11/11/11

9/ In going through the Bill of British India it is found that to be based on the following Acts

1) The Lunacy Act, 34 of 1858, regulating proceedings in lunacy in the Courts of judicature established by Royal Charter,

2) The Lunacy Act, 35 of 1858, an Act to make better provision for the Care of the Estates and persons of Lunatics not subject to the jurisdiction of the Supreme Courts of judicature, And on which Acts Our Draft Lunacy Regulation is based.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Judges File No. of 190 /

Serial No.

(3) The Indian Lunatic Asylums Act 36 of 1858, (Corresponding to our Rules relating to the reception and detention of lunatics in Asylums in the State) and the Amending Acts thereof.

(4) The Military Lunatics Act XI of 1877 and

(5) Sub-sections (2) & (3) of Sec. 471 and Section 472 of the Code of Criminal Procedure, which regulate the places in which criminal lunatics may be confined and prescribe the manner in which such lunatics are to be visited.

Our draft Lunacy Regulation merely provides for the care of the estates and persons found to be lunatics by inquisition, but not for the reception & detention of lunatics for which we have to refer to the Rules of 1874. It may therefore be convenient to consolidate the provisions in regard to these matters in a single enactment as has been done in British India, omitting the special provision made in regard to those subject to the jurisdiction of Supreme Courts.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

A Bill may perhaps be then prepared with the following modifications and such other verbal alterations as may be found necessary in the course of the adaptation of the British Indian Act.

(1) Omit Section 2.
(2) do Subsection (3) of Section 5.
(3) do Section 12. Such relates to Military Lunatics.
(4) do Section 17
(5) Recast Section 23, omitting subsection (2)
(6) Insert Rule 12 of the Rules of 1874 for Sections 22 & 28.
(7) Omit proviso to Section 29.
(8) Omit Subsections (2) & (3) of Section 30.
(9) do . . . (2) of Section 32.
(10) do Chapter IV
(11) Substitute the provisions of the Draft Lunacy Regs. for Chapter V.
(12) Omit Section 86.
(13) do Subsection (2) of Section 87.
(14) do Form 4.
(15) Make necessary modifications in Schedule of Repeals

Submitted for further orders.

J. R. S.

30/11/11

Let the Br. Indian Bill pass thro' the Select Committee and come up to the final Stage.

30/11/11 S. Sivaswamy Aiyer

NOTE—Contn. sheet

GPB—55,000—27-4-09

Serial No.	
1	No. 2968 dated 16th May 1913 from the J.A. Resident informs that the Indian Lunacy Act, 1912 has been extended to the C&M Station Bangalore and suggests the advisability of undertaking legislation on the lines of that Act in Mysore. Submitted with a copy of the Act and the previous papers on the subject. S.V.S. (38) SV
1	The question of a Lunacy Regn was once before discussed in 1903 & a draft regn was also published in the Gazette. The question was again taken up in 1911 & as the a Bill was being legislation was being undertaken in British India on the subject, the previous Govt ordered that we may wait till the bill before the Govt of India makes further progress (vide p. 4 of these notes). This bill has been passed into law as Act IV of 1912. The Resy have now intimated that the Act has been introduced in the C&M Stn Bangalore & suggest that legislation
	Ag A. Keep file 23-f-1903-dy
	under disposal

NOTE—Contn. sheet.

Serial No.

On Similar lines may be undertaken by the Durban

13) As noted by the 1st Ca

Page 2 of these notes: On 4-7-11 the Chief Court may be consulted regarding the proposed legislation S P Rajagopalachari

D4 Secy) SDR 21/5

S Convened) Draw a ltr accdgly 22/5 (P2)

W/S

14) Please make the alterations prima facie required on a copy of the Indian Act and let me see it. It may then be sent up to the Ch. Court. H. V. Nyapurdarya.

9/6/13

Draw 10/6

Legislation Each SDR 10/6

15) Submitted with a copy of the Indian Lunacy Act with the necessary alterations made in pencil. If these are approved the section numbering will be redone and references to sections suitably corrected.

S.V.S.

(58) SW

10/7/13 11/7/13

16) Approved: with Corrections as personally

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 1 of 1911-12 (99

Serial No.

~~Submitted~~ to be taken the Secretary may be requested to be Members present by

S.P. Rajagopala chari SPR 3/8

17) Submitted with the corrections as instructed made in the Bill and the sections properly numbered.

SVS
14/8/13

18) With refee to the Cri(Councillors note on the previous page, a Copy of the Indian Act with needful Corrections is herewith Submitted

1st Ord S.P. Rajagopala chari SPR 14/

19) Please see queries & remarks on the draft Regulation and note thereon H.V. Nanjundayya

25/8/13.

27/8

20) A full note containing replies & queries in the draft Regn is put up Separately on routine note form

S.P. Rajagopala chari SPR 27/1

21) Vide the remarks of the First Member made in the margin of the above note

MJS 2/12/14

NOTE—Contn. sheet.

GPB—55,000—27-4-12

23-11-12

10 (10

General and Revenue Secretariat. | Legr File No. 1 of 1911-12

Serial No.	
	22) Revise the draft bill as per the remarks of the first member
	Spl appropriate clear 2/12
	24) necessary corrections in pencil have been made in the draft bill. If approved the present corrections will be inked and sections renumbered. S.V.S (G.S.) 19/12/14 MC
	25) Approved. Enter the corrections in red ink in a clean copy
	Spl appropriate 23/12 clear
	25) Submitted with the corrections inked in red ink in another copy.
Y	The Guardian and Wards Regn, 1911 has left unrepealed rule 22 and some portion of rule 23 of Govt of Mad Notn No 75-J-8 25/4/1872 re Rules relating to the custody and guardianship of Minors, idiots and other disqualified persons. These two rules relate to property of lunatics. Now that the matter is provided for in this Bill, that portion of the Rules left unrepealed by the G. & W. Regn

NOTE—Contn. sheet.

GPB—60,000—7-11-13

8311-12

11

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 1 of 1911-12

Serial No.

has to be repealed. This has been therefore added in the included in the Schedule II

S.V.S.

24/5/14

VS

26) May this be sent up to the Chief Court for opinion in accordance with para 24 14 (Ho^ble members note)

27) Sent (Sr Member)

Sd/- Narayana Iyer 4/5 Chief Secy Durbar 6/5

the Indian alterations Act with amendment and with Court fees.

28) Yes Sd/- Narasimharaya 8/5/14 Draw 11/5 Dy Secy

29 Forwarded unofficially to the Registrar, Chief Court of Mysore, for opinion of the judges of the Chief Court.

No J. 44-13. dated 13-5-14.

Rec'd 13-5-14

11th May 1914 Sd/- A. Krishna Varadachariar for Secretary to Govt.

30) The file is returned with the opinions of Justices Chandrasekhara Aiyar & Wallace. The C. J. does not wish to add his opinion now.

Sd/- Illegible Reg. Chief Ct

15th June 1914

15th

No. 4500/358

NOTE—Contn. sheet.

APB—60,000—7-11-13

(12 12

General and Revenue Secretariat. | Legis. File No. | of 191 |.

Serial No.	OPINIONS.
	Mr. Justice K.S. Chandrasekhara Iyer:-
	31 The definition of "asylum" may, I think, remain as in the Indian Act. If the local Government should at some future time decide to establish another asylum in Bangalore or Mysore, or to license private asylums, the definition as it is restricted in the bill will stand in the way. If this view is accepted Sections 84, 86 etc. of the Act will have to be retained. not, the wording of the Bill has to be changed in clauses (d), (e) and (f) of Section 64 among other places.
	32 Section 11 of the Bill and consequential Sections: Is it necessary to provide for the case of European lunatic soldiers?
	33 Sections 45 and 46 of the Bill, as now drafted, are independent of Section 44, which seems hardly correct, and may lead to a conflic between the provisions and the peremptory terms of Section 44. It seems better to annex a proviso to Section 44 in these terms:- "Provided that a District Court may, instead of appointing a manager of the estate of a lunati proceed under Sections 45 and 46."
	34 In Section 46 the reference to Section 56 is apparently a mistake for Section 45.

NOTE—Contn. sheet.

In

GPB—60,000—7-11-15

General and Revenue Secretariat.

Legis File No. 1 of 191 1

Serial No.	
	35 In Section 55 the reference to "the curator must be due to an oversight, as Section 35 omits all reference to such a functionary.
	36 I have no remarks in other respects.
	Mr. Justice E.H.Wallace:-
	37 Section 1 (1). 'Indian' should be altered 'Mysore'.
	38 Section 2 (1). I also think the definition of 'Asylum' may remain, as in the India Act.
	39 Section 8. I think there might be a provision authorising a Magistrate to appoint some one to represent the lunatic in the enquir if he thinks the lunatic ought to be represente and unable himself to appoint any one. The expense may come out of the lunatic's estate, o if too poor, may be paid by Government.
	40 Section 11. I presume the Regulation is to be confined to residents in Mysore State, otherwise the asylum will be used by outsiders. There should be some provision for exchanging with other asylums or for conveying from one to another.
	41 Section 37. A similar provision to that I propose in Section 8 should be added.

NOTE—Contn. sheet.

GPB—60,000—7-11-15

Serial No. 42

Subd.

S.V.S 17/6/14

43 The Judges of the Chief Court make certain Suggestions which are dealt with below, seriatim :-

44 (1) Definition of Asylum as given in the bill.

Both Mr Chandra Sekhara Iyer & Mr Wallace state that the definition of Asylum may remain as in the British act. The point was considered when the bill was drafted & the 1st member directed that the Regn may be for one Asylum only It is a point for orders whether the definition should be amended as suggested by the Judges.

may remain as it is H.V.M.

45 (2) Section 11 of the Bill. This section seems necessary in view of the fact that soldiers (European) from the C & M Stn are likely to be sent to the Asylum, under the existing arrangements

46 (3) Mr Justice Chandra Sekhara Iyer

G. R. S. 12]

3311

15

General and Revenue Secretariat. | Legis File No. 1 of 1911-12

Serial No.	
	Suggests the addition of a proviso to cl 44 of the Bill. This appears necessary & was omitted thro' oversight when the bill was drafted
	47. (4) The reference to the 'Curator' in Sec 55 will be omitted as suggested by him
	48. (5) Cl. 8 & 37 of the bill. Mr Justice Wallace suggests that a provision be inserted in these ~~Section~~ clauses authorising a Magte to appoint some one to represent the lunatic. Both the clauses, as they stand at present, seem wide enough to enable the Magte or Court to call any person interested in the lunatic & no further provision appears necessary.
	The bill with these alterations may now be placed before the Legve Council. S.P.Rajagopalan Chetti 16/7
	Sec 7 (First Member) Duraiswami Rao 20/7
	Leg) I agree. 23/7/14

If I had dealt with the file from the beginning I thought it would be convenient for me to deal with it & hence kept the file already.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12] J 3311-12

16 16

General and Revenue Secretariat. Legis File No. 1 of 1911-12

Serial No.

50) Submitted. The draft Bill is suitably altered as ordered above. The matter has to be treated as a Council matter and His Highness' approval for the draft Bill obtained.

S.V.S 3/8/14

S Srinivasa Iyer 8/8/14

Dewan 10/8

Member

51) Please circulate.

Ramachandra Rao 10/8/14

10/8/14

52) May this be circulated for consideration at a meeting?

7/81 11-8-14

Dewan

Dewan 11/8

53) Yes

22.10.14 Krishnaswamy Rao

53 Dewan 30.10.14

28/10

Dewan 31/10

NOTE—Contn. sheet.

GPB—60,000—7-11-13

GPB—1,000—19-7-13

17

Extract from the Proceedings of the 343rd Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 4th January 1915.

8. SUBJECT. - (Clause ii of the Schedule).

Draft Lunacy Bill.

OPINION OF THE COUNCIL.

54 The Bill may be approved and placed before the Legislative Council.

Sd. M.Visvesvaraya,
Dewan of Mysore.

"Extract"

D. M. Narasimhaiah 6/1

Offg.Secretary to Government.

18

Final Note by the First Member of Council.

Subject:—

Introduction of Lunacy Bill.

Flag C

I submit herewith a draft of the Lunacy Bill.

The statement of objects and reasons annexed to the Bill explains clearly the scope of the Bill. This Legislation was also suggested by the Residency in their letter No.2968 dated 16th May 1913.

Page 17 of office note.

The Bill has been approved by the Council and if it is approved, it may be placed before the Legislative Council.

18/1/15

First Member of Council.

C9 19

Submitted to His Highness.

M

58/~~54~~ I submit herewith a Final Note by the First Member of Council regarding the intruduction of the Lunacy Bill into the Legislative Council.

~~60~~ 59/2. I solicit His Highness's sanction to place before the Legislative Council the aforesaid Bill which has been approved in Council.

Page 17 of Office Note.

H. Simmons
29th Jan 1913.

SL

20

20

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Introduction of the Lunacy Bill into the Legislative Council.

676

Order.

60 ~~KRW~~

2/2/15

62 Secretary

3.2.15

Dr

25 6i 3311-12

21

G R. S. 12]

General and Revenue Secretariat. | Legis File No. 1 of 1911-12

Serial No.	
	61) Subd. with a draft D.O. to the Residency S.V.S (28) 01 6/2/15 — Srinivasa Iyer 6/2/15
4323 6-2-15	Dewan — 62) The draft D.O. approved by the Dewan has been issued and placed on file. CGR 6.2.15. Legis Dept
2	No D.O. 2709 dated 6/2/15 to the F.A. Resident in Mysore, Bangalore forwards a copy of the Mysore Lunacy Bill and informs that it will be placed before the Legis. Cl. on 10/2/15
3	D.O. No 987 dated 8th Feb: 1915 from the F.A. Resident in Mysore, Bangalore informs that the Resident sees no prima facie objection to the Bill being placed before the Legis. Cl.
63)	Subd. The bill has been ~~published under~~ included in the agenda for the meeting of the Legis. Cl. to ~~rule 32 of the Legis. Cl. Rules and~~ be held on 10/2/15 for leave being granted to introduce the Bill. S.V.S (38) 01 9/2/15 Srinivasa Iyer 9/2/15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

2561

22 22

R. S. 12]

General and Revenue Secretariat. Legis File No. 1 of 1911-12

Serial No.	
	Subd.
64	66— The Bill was introduced into the Legislative Council on 10th Feb. 1915 and was read and considered in Council and referred to a select committee on the 28th June 1915. The Report of the Select committee with the Bill as amended by them was considered and adopted by the Council on the 2nd October 1915; and the Council resolved that the Bill be taken up and passed at a subsequent meeting of the Council. Govt. of India Sanction for passing the Bill into law is required as the Bill repeals the Rules relating to the custody and guardianship of minors and the Rules for the reception and detention of lunatics in asylums in Mysore and also amends the Code of criminal Procedure, 1904, (vide schedule II) A draft letter to the Residency is put up.
	S.V.S. 25/10/15
	68) Issue E. Ramanuja Iyer 26/10
4	2nd Pol. 423 dated 28th Oct: 1915 to the F. A. Resident Requests that the sanction of the Govt of

Sub A 1/11

NOTE—Contn. sheet.

GPB—25,000—2-11-14

1438

23

23

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 1 of 1911-12

Serial No.	
4	To the F.A. Resident
	No. Pol. 423 $\frac{28}{29}$-10-1915.
	Forwards 2 copies of the Mysore Runway bill and requests him to move the Govt. to obtain the sanction of the Govt. of India for the Bill being passed into law.
5	No 8536 dated. 25th Nov: 1915
	From the F.A. Resident
	Informs that the Govr. Gl. of India in Council has accorded his assent to the Bill subject to the usual reservation of power under Art. 18 of the Treaty of 1913.
6	Subd. The Bill will be placed before the next meeting of the Mysore Legislative Council for being passed,
	S.V.S.
	26/11/15
	B Srinivasa Iyer 27-11
7	Subd. The Bill was placed before the Mysore Legislative Council and passed by them on the 28th Jan: 1916. The gracious sanction of His Highness the Maharaja is required to promulgate the Bill as law. A copy of the Bill as passed together with the

Legis 27/1

Flag A

NOTE—Contn. sheet.

GPB—20,000—30-6-15

1438

24

J. R. S. 12]

General and Revenue Secretariat. | Legis File No. 1 of 1911-12

Serial No.

usual certificate at the bottom is herewith put up. The certificate has to be signed by the Dewan after obtaining the sanction of His Highness.

S.V.S.
9/2/16

Srinivasan
9.2.16.

First Member)

2) Final note signed by the first member is put up

11/2

MG
14/2/16

2) Submitted with a draft note for favourable approval

Sd
15/2

Sd)

Dewan

16/2/16

Sd/16/2

41343
16.2.16

NOTE—Contn. sheet.

GPB—20,000—30-6-15

25

Final Note by the First Member of Council.

Subject:—

THE MYSORE LUNACY BILL

A ~~72~~ 68/ The Mysore Lunacy Bill has been considered and finally passed by the Legislative Council in due course. The statement of objects and reasons explains the scope and purpose of the Bill.

~~73~~ 69/ The gracious sanction of His Highness the Maharaja is required to promulgate the Bill as law.

14/2/46

A. Manjunadayya

First Member of Council.

Vs

Submitted to His Highness.

L 70) I submit herewith a final note on the Mysore Lunacy Bill and solicit the gracious sanction of His Highness to the Bill being promulgated as law.

H Maqsood Ali

20/2/16

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN.....February.....1916.

Serial No.	Subject	Recommendation of Council, or Member of Government in charge, as the case may be	Dewan's recommendation	Orders of His Highness	Orders regarding submission of files (*vide* foot-note)
112	The Mysore Lunacy Bill	The First Member of Council solicits sanction to promulgate the Bill as law. 20/2/16	Sanction may be accorded to the Bill being promulgated as law. H H Maniyendaya		"c" JM 25.2.16

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether:—

File may be submitted at once ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all c

WD 2105—GPB—300—16-2-16

CSR

1438

28

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

The Mysore Lunacy Bill.

763.

74)

Order.

~~KRW~~

25/2/16

Gen. Secy

28/2/16

B V III

MT

1/3/16

Sen

Dasappa

Srinivasa Iyer

J1438

29

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 1 of 1911-12

Serial No.	
73	Subd. with a draft order to the Compiler Mysore Gazette for publishing the Bill as Regn. I of 1916. S.V.S. 1/3/16
	To) For approval Ex'minr 3/3 Dyer
	First Member) D
	To) Draft approved by the V[ice]-Member D.M. Narasimha Rao 3/3
3 Mar	To 3/3/16
	To) Done today Ex'minr 6/3 Dyer
6	To the Compiler Mysore Gazette
	no. J 360-4, 6-3-1916
	Orders the Promulgation of the Mysore Survey Regulation which received the assent of H.H. the Maharaja on 25-2-1916 as Regulation I of 1916
	Subd.
	8 spare copies of the Regn have been received from the Press. 11 copies have to be sent to the Residency as usual. A draft

NOTE—Contn. sheet.

GPB—70,000—17-12-15

1438 Luma Regulation 30

G. R. S. 12]

General and Revenue Secretariat. | Legn File No. 1 of 1911-12

Serial No.	
	forwarding the same is sent with
	Issue Es 8/5
7	To The H. A. Resident
	No Pol 1130 11th May 1916
	Forwards 11 copies of Regulation I 1916 and requests to forward 2 copies to H. H. the Nizam's Govt

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G.R.S. 13]

(3311-12

31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted with Offi
note on the marginal
queries made by the
1st councillor in the
draft Lunacy Bill.
The 1st councillors queries
are given in red ink
here for easy reference.

(1) "I believe we have only
one asylum and not likely
to have more. Our Regns
may be made as applicable
to this one. Is there any
reason to do otherwise?

(2) Are provisions about
licensed asylums need

The scheme of the act
is to provide for the control
not merely of asylums established by
Govt but also of private
asylums licensed by Govt
(vide defn of asylum)
For the present there is
only one asylum in the
State; but the establish-
ment of another asylum
is not beyond practical
politics. Hence it seems

The Regns may
be for one asylum
only. If more are
established, it will
not be difficult
to alter the Regns

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—20,000—23-12-13

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

necessary to frame the Regulation as applicable to more than one asylum.

As regards private asylums licensed by Govt, there is no probability of any such coming up in the near future. If it is considered desirable to take private asylums out of the purview of this bill, the necessary amendments will be made in sections 3(1), 13 proviso, 60[8°], Form Schedule 1. This is a point for orders

Yes

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—20,000—23-12-13

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Is it not better to alter this (Sub-clause (8) of clause 2) to suit local conditions

The following defn is suggested, instead of the present one:

"medical practitioner means the holder of the degree of Doctor, Bachelor or Licentiate of medicine or surgery of any of the British or Indian Universities and any person trained in a medical college or school who holds a diploma or certificate granted by the Government of Mysore or by any Local Government in British India declaring him to be qualified to practise medicine surgery or midwifery or be qualified for the duties of an assistant or sub-

Hby R

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—20,000—23-12-13

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

assistant Surgeon

"Are there any provs about lunatics in our Military Regulation?"

There is no provision

"Is not sec. 98 sufficient (Remark of joint clause 11 of the Bill)

Section 98 (clause 12) refers to a reception order passed by a court or tribunal outside Mysore and clause 11 refers to a reception order made by a medical officer with respect to a lunatic soldier in Mysore. Therefore this clause is also necessary

Both these remarks

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—20,000—23-12-15

35

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

"Let me see this (see: 30 of the Prisoners Act, 1900)

Is there no corresponding provision in any of our Regulations?"

The unrepealed Act of G.G. in council Vol containing the Prisoners Act, 1900 is herewith put up.

Flag 2

The corresponding provision here is contained in rule 12 of the Chief Commrs notn no. 141 dated 31st July 1874. But as these rules are now to be ~~sup~~ superseded by the Regn, a clause corresponding to sec: 30 of the Prisoner's Act, 190 may be inserted in the Bill just before clause

Flag Q

I agree

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—20,000—23-12-13

24/

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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may be omitted

31/1/14

What is the need for this provision? (clause 32 of the Bill.)

This is necessary only when we have more than one asylum either established by Govt or a licensed private on

If the clause should remain, the portion within square brackets in Sub-clause (1) may be omitted

27/1/14

27/1

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—20,000—23-12-13

III 16/5-13

Pol. Do 1944 & 16.5.13.

No. 2968 Dated 3311

From

P. B. WARBURTON, Esq., I.C.S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 16th May *1913.*

Sir,

I am directed to invite a reference to the provisions of the Indian Lunacy Act, 1912 (IV of 1912).

2. The Act has recently been applied to the Civil and Military Station of Bangalore by the Notification of the Government of India in the Foreign Department No. 732-D, dated the 19th March 1913, a copy of which was forwarded with this office endorsement No. 2962 dated 16th May 19. I am now to suggest, for the consideration of the Durbar, the advisability of undertaking legislation on the lines of the Indian Lunacy Act of 1912.

I have the honour to be,

Sir,

Your most obedient servant,

P. B. Warburton

First Assistant Resident.

R. O. 2.—R. P. B.—3-1913.—1,500.

Legis I-11-2 Bangalore 38/
6 Feb: 15

D. O. No. 2709/En Two

To the Hon'ble the Resident

My dear sir,

I enclose herewith copy of a Bill (with a copy of the statement of objects and reasons) to consolidate and amend the law relating to lunacy. The statement of objects and reasons explains clearly the necessity for this legislation. The Bill will be placed before the Legislative Council on the 10th February 1915.

Yours sincerely,

6.2.15

DEWAN.

68 6/2/15

To

The Hon'ble

Col. Sir. Hugh Daly., K.C.I.E.,

C.S.I.,

Resident in Mysore,

BANGALORE.

~~Draft~~

Statement of Objects and Reasons.

The law relating to the custody and guardianship of lunatics and the management of their estates is contained in Rule 22 of the Rules published with the Notification of the Govt. of India, Foreign Dept., No. 75-J dated the 25th April 1872 and that about the reception and detention of lunatics in Mysore is contained in Notification No. 141 dated 31st July 1874.

As the rules were found to be defective, separate legislation was found desirable and a draft Regulation was published in the Mysore Gazette in 1903. The question was not taken up again for consideration till 1911. A new enactment has since been passed in British India on the subject and it is intended to repeal the above provisions in Mysore

64/

NOTIFICATIONS.

No. 235—*L. C., dated* 12*th March* 1915.

Under Rule 31 of the rules for the conduct of business of the Mysore Legislative Council, the following Bill to consolidate and amend the law relating to Lunacy, is published for general information with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

The Mysore Lunacy Bill.

CONTENTS.

PART I.

PRELIMINARY.

CHAPTER I.

CLAUSES.

1. Short title and extent.
2. Definitions.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

RECEPTION OF LUNATICS.

CLAUSES.

3. Reception of persons in asylum.

Reception orders on petition.

4. Application for reception order.
5. Application by whom to be presented.
6. Procedure upon petition for reception order.
7. Detention of alleged lunatic pending inquiry.
8. Consideration of petition.
9. Order.
10. Further provisions as to reception orders on petition.

Reception orders otherwise than on petition.

11. Reception order in case of lunatic soldier.
12. Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.
13. Reception order in case of wandering and dangerous lunatics.
14. Order in case of lunatic cruelly treated or not under proper care and control.
15. Detention of alleged lunatic pending report by medical officer.

Further provisions as to reception orders and medical certificates.

16. Medical certificates.
17. Time and manner of medical examination of lunatic.
18. Authority for reception.
19. Copy of reception order to be sent to person in charge of asylum.

Detention of lunatics pending removal to asylum.

20. Detention of lunatics pending removal to asylum.
21. Lunatic prisoners how to be dealt with.

Reception and detention of criminal lunatics.

22. Reception and detention of criminal lunatics.

Reception after inquisition.

23. Reception after inquisition.
24. Order for payment of cost of maintenance of lunatics.

Amendment of order or certificate.

25. Amendment of order or certificate.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

26. Appointment of visitors.
27. Monthly inspection by visitors.
28. Inspection of criminal lunatics by Inspector-General or visitors.

Discharge of lunatics.

CLAUSES

29. Order of discharge from asylum by visitors.
30. Discharge of lunatics in other cases and of European military lunatics.
31. Order of discharge on undertaking of relative for due care of the lunatic.
32. Discharge of person subsequently found on inquisition not to be of unsound mind.

Escape and re-capture.

33. Order to justify detention and re-capture after escape.

PART III.

JUDICIAL INQUISITION AS TO LUNACY.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

34. Power of District Court to institute inquisition as to persons alleged to be lunatic.
35. Application by whom to be made.
36. Notice of time and place of inquisition.
37. Powers of Court in respect of attendance and examination of lunatics.
38. Rules respecting attendance and examination of females alleged to be lunatic.
39. Inquisition by District Court and finding thereon.
40. Inquisition by subordinate Court on commission issued by District Court, and proceedings thereon.

Judicial powers over person and estate of lunatic.

41. Custody of lunatics and management of their estates.
42. Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.
43. Control over proceedings of Deputy Commissioner.
44. Power of District Court to appoint guardian and manager and take security from manager.
45. Power to apply property for lunatic's maintenance without appointing manager in certain cases.
46. Power to apply property for lunatic's maintenance in case of temporary lunacy.
47. Restriction on appointment of legal heir of lunatic to be guardian of his person.
48. Remuneration of managers and guardians.
49. Duties of guardian.
50. Powers of manager.
51. Manager to furnish inventory and annual accounts.
52. Proceedings if accuracy of inventory or accounts is impugned.
53. Payment into public treasury and investment of proceeds of estate.
54. Relative may sue for an account.
55. Removal of manager or guardian.
56. Penalty on manager for refusing to deliver accounts or property.
57. Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.
58. Appeals.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSES OF LUNATICS.

CLAUSES.

59. Payment of cost of maintenance in case of lunatic soldier.
60. Application of property in the possession of a lunatic found wandering.
61. Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.
62. Order of Court and enforcement thereof.
63. Saving of liability of relatives to maintain lunatic.

CHAPTER VI.

RULES.

64. Power of Government to make rules.
65. Publication of rules.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

66. Penalty for improper reception or detention of lunatic.
67. Provision as to bonds.
68. Pension of lunatic payable by Government.
69. Use of forms in Schedule.
70. Protection to persons acting under Regulation.
71. Power to give effect to warrants and orders of certain Courts outside Mysore.
72. Power to make rules for reception of lunatics received from outside Mysore.
73. Orders under repealed enactments.
74. Repeal of enactments.

SCHEDULE I.—FORMS.

SCHEDULE II.—ENACTMENTS REPEALED.

A Bill to consolidate and amend the law relating to Lunacy.

Whereas it is expedient to consolidate and amend the law relating to lunacy His Highness the Maharaja is pleased to enact as follows:-

PART I.

PRELIMINARY.

CHAPTER I.

Short title and extent.

1. (1) This Regulation may be called the Mysore Lunacy Regulation.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "asylum" means the asylum for lunatics established by Government at Bangalore:

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from the asylum:

(3) "District Court" means the principal Civil Court of original jurisdiction.

(4) "criminal lunatic" means any person for whose confinement in, or removal to, the asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1904:

(5) "lunatic" means an idiot or person of unsound mind:

(6) "Magistrate" means a District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under this Regulation:

(7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of Government to be a medical officer for the purposes of this Regulation:

(8) "medical practitioner" means the holder of the decree of Doctor, Bachelor or Licentiate of medicine and surgery of any of the British or Indian Universities and any person trained in a medical college or school who holds a diploma or certificate granted by the Government of Mysore or by any Local Government in British India declaring him to be qualified to practice medicine, surgery or midwifery or be qualified for the duties of an Assistant or Sub-Assistant Surgeon:

(9) "prescribed" means prescribed by this Regulation or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Regulation for the reception into the asylum of a lunatic other than a lunatic so found by inquisition:

(11) "relative" includes any person related by blood, marriage or adoption: and

(12) "rule" means a rule made under this Regulation

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylum.

3. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in the asylum without a reception order save as provided by sections 7, 15 and 71:

Provided that the person in charge of the asylum may, with the consent o two of the visitors of the asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in the asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in the asylum under the proviso to sub-section (1 shall not be detained in the asylum for more than twenty-four hours after he ha given to the person in charge of the asylum notice in writing of his desire to leav the asylum

Reception order on petition.

4. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

Application for reception order.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

5. (1) The petition shall be presented, if possible, by—

Application by whom to be presented.

(*a*) the husband or wife of the alleged lunatic, or

(*b*) by any other relative of his.

(2) If the petition is not so presented, it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement

6. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

Procedure upon petition for reception order.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

7. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

Detention of alleged lunatic pending inquiry.

Consideration of petition.

8. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Order.

9. At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

10. No reception order shall be made under section 6 or section 9, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(*a*) the Magistrate is satisfied that the person in charge of the asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic

Reception orders otherwise than on petition.

Reception order in case of lunatic soldier.

11. When a European who is subject to the provisions of the Army Act has been declared a lunatic in accordance with the provisions of the military regulations in force for the time being, and it appears to any administrative medical officer that he should be removed to the asylum, such administrative medical officer may, if he thinks fit, make a reception order under his hand for the admission of the said lunatic into the asylum.

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

12. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics.

13. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 12, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into the asylum:

Provided that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned

that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated or not under proper care and control.

14. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 13, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into the asylum.

Detention of alleged lunatic pending report by medical officer.

15. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 12 or section 14, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary:

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Further provisions as to reception orders and medical certificates.

Medical certificates.

16. (1) Every medical certificate under this Regulation shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Regulation shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

17. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate, has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception

18. A reception order, if the same appears to be in conformity with this Regulation, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, or in the asylum to which he may be removed in accordance with the provisions of this Regulation, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Copy of reception order to be sent to person in charge of asylum.

19. Any authority making a reception order under this part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted.

Detention of lunatics pending removal to asylum.

Detention of lunatics pending removal to asylum.

20. When any reception order has been made under sections 6, 9, 13 or 14, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to the asylum be detained in suitable custody in such place as the Magistrate thinks fit.

Lunatic prisoners how to be dealt with.

21. (1) Where it appears to Government that any person detained or imprisoned under any order or sentence of any court is of unsound mind, Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to the asylum or other place of safe custody within the state there to be kept and treated as Government directs, during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to Government that the prisoner has become of sound mind, Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within Mysore, or if the prisoner is no longer to be kept in custody, order him to be discharged.

Reception and detention of criminal lunatics.

Reception and detention of criminal lunatics.

22. An order under section 466 or section 471 of the Code of Criminal Procedure, 1904, or under section 21 of this Regulation, directing the reception of a criminal lunatic into the asylum which is prescribed for the reception of criminal lunatics shall be sufficient authority for the reception and detention of any person named therein in such asylum.

Reception after inquisition.

Reception after inquisition.

23. A lunatic so found by inquisition may be admitted into the asylum on an order made by the District Court.

Order for payment of cost of maintenance of lunatic.

24. (1) When any lunatic has been admitted into the asylum in accordance with the provisions of section 23, the District Court shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him:

Provided that if at any time it shall appear to the satisfaction of the Court tha the lunatic has not sufficient property, and that no person legally bound to main tain such lunatic has sufficient means for the payment of such cost, the Court shal certify the same instead of making such order for the payment of the cost as afore said.

(2) An order under sub-section (1) shall be enforced in the same manne and shall be of the same force and effect and subject to the same appeal as a decre made by the Court in a suit in respect of the property or person therein mentionec

Amendment of order or certificate.

Amendment of order or certificate.

25. If, after the reception of any lunatic into the asylum on a reception orde it appears that the order upon which he was receive or the medical certificate or certificates upon whic such order was made is or are defective or incorrect the same may at any time afterwards be amended by the person or persons signin the same with the sanction of two or more of the visitors of the asylum, one o whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors

Appointment of visitors.

26. (1) Government shall appoint for the asylum not less than three visitor one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons shall be a visitor *ex-officio* of th asylum.

Monthly inspection by visitors.

27. Two or more of the visitors, one of whom shall be a medical officer, shal e at least in every month together inspect ever part of the asylum and see and examine, as far a circumstances will permit, every lunatic and boarder therein and the order an certificate for the admission of every lunatic admitted since the last visitation c the visitors and shall enter in a book to be kept for that purpose any remark which they may deem proper in regard to the management and condition of th asylum and the inmates thereof.

Inspection of criminal lunatic by Inspector-General or visitors.

28. (1) When any person is confined under the provisions of section 466 c section 471 of the Code of Criminal Procedure, 190 the Inspector-General of Prisons, if such person i confined in a jail or the visitors of the asylum or an two of them, if he is confined in the asylum, may visit him in order to ascertain hi state of mind; and he shall be visited once at least in every six months by suc Inspector-General or by two of such visitors as aforesaid; and such Inspecto General or visitors shall make a special report as to the state of mind of such pe son to the authority under whose order he is confined.

(2) Government may empower the officer in charge of the jail in whic uch person may be confined to discharge all or any of the functions of the I pector-General under sub-section (1).

Discharge of lunatics.

Order of discharge from asylum by visitors.

29. (1) Three of the visitors of the asylum, of whom one shall be a medic officer, may, by order in writing, direct the discharg of any person detained in the asylum, and suc person shall thereupon be discharged :

Provided that no order under this sub-section shall be made in the case of a person detained under a reception order under section 11, or, in the case of a criminal lunatic, otherwise than as provided by section 21 of this Regulation.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of lunatics in other cases and of European military lunatics.

30. (1) A lunatic detained in the asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum:

Provided that no lunatic shall be discharged under the provisions of sub-section (1) if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

(2) A person detained in the asylum under a reception order made under section 11 shall be detained therein until he is discharged therefrom in accordance with the military regulations in force for the time being, or until the officer making the order applies for his transfer to the military authorities in view to his removal to England.

(3) Whenever it appears to the officer in charge of the asylum that the discharge of a person therein detained under an order made under section 11 is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the General or other Officer, Commanding the division, district, brigade, or force, or other officer authorized to order the admission of such persons into the asylum, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the military regulations in force for the time being.

Order of discharge on undertaking of relative for due care of the lunatic.

31. When any relative or friend of a lunatic detained in the asylum under the provisions of sections 13 or 14 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on inquisition not to be of unsound mind.

32. If any lunatic detained in the asylum on a reception order made under sections 6, 9, 13 or 14 is subsequently found on an inquisition under Chapter IV not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Escape and re-capture.

Order to justify detention and recapture after escape.

33. Every person received into the asylum under any such order as is required by this Regulation, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police officer or by the person in charge of such asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in the asylum:

Provided that in the case of a lunatic not being a criminal lunatic or a lunatic in respect of whom a reception order has been made under section 12 the power to re-take such escaped lunatic under this section shall be exerciseable only for a period of one month from the date of his escape.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

34. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

Application by whom to be made.

35. (1) Application for such inquisition may be made by any relative of the alleged lunatic or by the Government Pleader, as defined in the Code of Civil Procedure, 1911, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Deputy Commissioner of the district in which it is situate.

Notice of time and place of inquisition.

36. (*1*) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

(*2*) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(*3*) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

Powers of Court in respect of attendance and examination of lunatics.

37. (*1*) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

(*2*) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

Rules respecting attendance and examination of females alleged to be lunatic.

38. The attendance and examination of the alleged lunatic under the provisions of section 37 shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other Civil cases.

Inquisition by District Court and finding thereon.

39. (*1*) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

(*2*) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereon.

40. (*1*) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

(*2*) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors

have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 39, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates.

41. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.

42. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Deputy Commissioner to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Deputy Commissioner previously obtained.

(2) The Deputy Commissioner shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Deputy Commissioner.

43. All proceedings of the Deputy Commissioner in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of Government or of such authority as it may appoint in this behalf.

Power of District Court to appoint guardian and manager and take security from manager.

44. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may instead of appointing a manager of the estate of a lunatic proceed under sections 45 and 46.

(2) Any person who has been appointed by the District Court or Deputy Commissioner to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Deputy Commissioner, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

45. (1) If it appears to the District Court having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may instead of appointing a manager of the estate, order that the property if realised, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Power to apply property for lunatic's case of temporary lunacy.

46. If it appears to the District Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under section 45 direct his property or a sufficient part of it to be applied for the purpose aforesaid.

47. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic, unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

48. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the Court or the Deputy Commissioner, as the case may be, thinks fit for his care and pains in the execution of his duties.

Remuneration of managers and guardians.

49. (*1*) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

Duties of guardian.

(*2*) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Deputy Commissioner, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

50. (*1*) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Powers of manager.

Provided that no manager so appointed shall without the permission of the Court—

(*a*) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic,

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(*2*) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

51. (*1*) Every person appointed by the District Court or by the Deputy Commissioner to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Deputy Commissioner, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive an account of the estate, together with a statement of all debts due by or to the same.

Manager to furnish inventory and annual accounts.

(*2*) Every such manager shall also furnish to the Court or to the Deputy Commissioner annually, within three months of the close of the year an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

52. If any relative of the lunatic, or the Deputy Commissioner by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Deputy Commissioner, if the manager was appointed by the Deputy Commissioner.

Proceedings if accuracy of inventory or accounts is impugned.

Payment into public treasury and investment of proceeds of estate.

53. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities that may be enumerated from time to time for this purpose by Government by means of a notification published in the official Gazette, unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

Relative may sue for an account.

54. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this Chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or any sums of money or other property received by him on account of such estate.

Removal of managers and guardians.

55. (1) The District Court, for any sufficient cause, may remove any manager appointed by it and may appoint any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

(2) The Court may also, for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint and other fit person in his place.

(3) The Deputy Commissioner, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Deputy Commissioner, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to accounto such successor for all money received or disbursed by him.

Penalty on manager for refusing to deliver accounts or property.

56. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court, and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

57. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

Appeals.

58. An appeal shall lie to the Chief Court from any order made by a District Court, under this Chapter.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSES OF LUNATICS.

Payment of cost of maintenance in case of lunatic soldier.

59. The paymaster of the military circle within which the asylum is situated shall pay to the officer in charge of the asylum the cost of maintenance of every lunatic received and detained therein under an order made under section 11.

Application of property in the possession of a lunatic found wandering.

60. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate and the proceeds thereof similarly applied.

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.

61. If a lunatic detained in the asylum on a reception order made under section 13 or section 14 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force may apply to the District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Order of Court and enforcement thereof.

62. (*1*) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application out of such estate or from such person.

(*2*) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

Saving of liability of relatives to maintain lunatic.

63. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Regulation.

CHAPTER VI.

RULES.

Power of Government to make rules.

64. (*1*) Government may make rules for all or any of the following purposes, namely :—

(*a*) to prescribe forms for any proceeding under this Regulation ;

(*b*) to prescribe places of detention and regulate the care and treatment of persons detained under section 7 or section 15;

(*c*) to regulate the confinement, care, treatment and discharge of criminal lunatics ;

(*d*) to regulate the management of the asylum and the care and custody of the inmates thereof ;

(*e*) to regulate the transfer of criminal lunatics to the asylum;

(*f*) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to the asylum;

(*g*) save as otherwise provided in this Regulation, generally to carry into effect the provisions of the Regulation.

(*2*) In making any rule under this section, Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of rules.

65. All rules made under section 64 shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Penalty for improper reception or detention of lunatic.

66. Any person who—

(*a*) otherwise than in accordance with the provisions of this Regulation receives or detains a lunatic or alleged lunatic in the asylum, or

(*b*) for gain detains two or more lunatics in any place not being the asylum,

shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provision as to bonds.

67. The provisions of Chapter XLII of the Code of Criminal Procedure, 1914, shall, so far as may be, apply to bonds taken under this Regulation.

Pension of lunatic payable by Government.

68. (*1*) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(*2*) Government shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Use of forms in Schedule.

69. Subject to any rules, the forms set forth in the First Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Protection to persons acting under Regulation.

70. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Power to give effect to warrants and orders of certain Courts outside Mysore.

71. The officer in charge of the asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or tribunal beyond the limits of Mysore notified by Government in this behalf in the official Gazette from time to time.

Power to make rules for reception of lunatics received from outside Mysore.

72. The Government may make rules regulating the procedure for the reception and detention in the asylum of lunatics whose reception and detention are provided for by section 71.

Orders under repealed enactments.

73. (1) In the case of orders made before the commencement of this Regulation under Rules 3 and 4 of the rules for the Reception and Detention of Lunatics in the Province of Mysore published in Notification No. 141, dated the 31st July 1874 for the reception of persons into the asylum, the persons who signed the order shall have all the powers and be subject to the obligations by this Regulation conferred or imposed upon the petitioner for a reception order, and the provisions of this Regulation relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order, under Rules 3 and 4 of the rules for the Reception and Detention of Lunatics in the Province of Mysore, 1874, before the commencement of this Regulation as if the order had been made after the commencement of this Regulation upon a petition presented by him.

(2) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Regulation and by or to the authority empowered thereby in such behalf.

Repeal of enactments.

74. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

FORMS.

(See section 69.)

FORM I.

Application for Reception Order.

(See sections 4 and 5.)

In the matter of A. B. [*], residing at , by occupation , son of
a person alleged to be a lunatic.

To

District Magistrate of
, [*or* Sub-Divisional Magistrate of
or Magistrate specially empowered under Regulation of
for].

The petition of C. D. [1], residing at , by occupation
son of , in the town of [*or* sub-division of
in the district of]

1. I am [2] years of age.

2. I desire to obtain an order for the reception of A. B. as a lunatic in the lunatic asylum situate at Bangalore.

3. I last saw the said A. B. at on the
[3] day of

4. I am the [4] of the said A. B.

[*or if the petitioner is not a relative of the patient state as follows.*]

I am not a relative of the said A. B. The reasons why this petition is not presented by a relative are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

5. The persons signing the medical certificates which accompany the petition are [5].

6. A statement of particulars relating to the said A. B. accompanies this petition.

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[1] Full name, caste and titles.

[2] Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

[3] A day within 14 days before the date of the presentation of the petition is requisite.

[4] Here state the relationship with the patient.

[5] Here state whether either of the persons signing the medical certificates is a relative, partner or assistant of the lunatic or of the petitioner and, if a relative of either, the exact relationship.

7. [*If that is the fact.*] An application for an inquiry into the mental capacity of the said A. B. was made to the on the and a certified copy of the order made on the said petition is annexed hereto. [*Or if that is the fact.*]

No application for an inquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd). C. D.

The statements contained or referred to in paragraphs are true to my knowledge the other statements are true to my information and belief.

(Sd.) C. D.

Dated

Statement of particulars.

[*If any of the particulars in this statement is not known, the fact to be so stated.*]

The following is a statement of particulars relating to the said A. B.
Name of patient at length.
Sex and age.
Married, single or widowed.
Previous occupation.
Caste and religious belief, as far as known.
Residence at or immediately previous to the date hereof.
Names of any near relatives to the patient who are alive.
Whether this is first attack of lunacy.
Age (if known) on first attack.
When and where previously under care and treatment as a lunatic.
Duration of existing attack.
Supposed cause.
Whether the patient is subject to epileps
Whether suicidal.
Whether the patient is known to be suffering from phthisis or any form of tubercular disease.
Whether dangerous to others, and in what way.
Whether any near relative (stating the relationship) has been afflicted with insanity.
Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

[The statements contained or referred to in paras. are true to my knowledge. The other statements are true to my information and belief.]

[*Signature by person making the statement.*]

FORM 2.

Reception Order on Petition.

(*See sections 6, 9.*)

I, the undersigned E. F., being the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under Regulation of] upon the petition of C. D. of [1] in the matter of A. B., [1] a lunatic, accompanied by the medical certificates of G. H., a medical officer, and of J. K., a medical practitioner [*or* medical officer], under the said Regulation, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have [*or* have not] personally seen the said A. B. before making this order.

(Sd.) E. F.
(*Designation as above.*)

To [2]

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[1] Address and description.
[2] To be addressed to the officer or person in charge of the asylum.

FORM 3.

Medical certificate.

(See sections 16, 17.)

In the matter of A. B. of [1] in the town of [*or* the sub-division of in the district of] an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows:

1. I am a gazetted medical officer [*or* a medical practitioner declared by Government to be medical officer under a holder of [2] [*or* declared by Government to be a medical practitioner under Regulation, of] Regulation of] and I am in the actual practice of the medical profession.

2. On the day of 19 at [3] in the town / village of [*or* the sub-division of in the district of] [separately from any other practitioner] [4], I personally examined the said A. B. and came to the conclusion that the said A. B. is a lunatic and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, *viz.*:—

(*a*) Facts indicating insanity observed by myself, *viz.*:—

(*b*) Other facts (if any) indicating insanity communicated to me by others, *viz.*:—
Here state the information and from whom.

(Sd). C. D.

(*Designation as above.*)

FORM 4.

Reception Order in case of Lunatic Soldier.

(See section 11.)

Whereas it appears to me that A. B., a European, subject to the Army Act, who has been declared a lunatic in accordance with the provisions of the military regulations, should be removed to the asylum. I do hereby authorise you to receive the said A. B. into your asylum.

(Sd.) E. F.

(*Administrative Medical Officer.*)

To [5]

FORM 5.

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated sent to the asylum.

(See sections 13, 14.)

I, C. D., the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate specially empowered by Government under Regulation of] having caused A. B. to be examined by E. F., a Medical Officer under the Mysore Lunacy Regulation, , and being satisfied that A. B. [*describing him*] is a lunatic who was wandering at large [*or* is a person dangerous by reason of lunacy] [*or* is a lunatic not under proper care and control *or* is cruelly treated or neglected by the person having the care or charge of him] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.

(*Designation as above.*)

Dated the

To the officer in charge of the asylum at Bangalore.

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[1] Insert residence of patient.
[2] Insert qualification to practise medicine and surgery registrable in the United Kingdom.
[3] Insert place of examination.
[4] Omit this where only one certificate is required.
[5] To be addressed to the person in charge of an asylum duly authorised by Government to receive lunatic Europeans subject to the Army Act.

FORM 6.

Bond on the making over of a lunatic to the care of relative or friend.

(*See sections* 13, 14.)

Whereas A. B., son of , inhabitant of , has been brought up before C. D., the $\frac{\text{District}}{\text{Sub-Divisional}}$ Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation of] and is a lunatic who is believed to be dangerous [*or* deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him] and whereas I, E. F., son of , inhabitant of , have applied to the Magistrate that the said A. B., may be delivered to my care:

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others: and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore. the sum of rupees .

Dated this day of 19 .

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(*Signature.*)

FORM 7.

Bond on the discharge of a lunatic from the asylum on the undertaking of relative or friend to take due care.

(*See section* 31.)

Whereas A. B., son of , inhabitant of , is a lunatic who is now detained in the lunatic asylum at Bangalore, under an order made by C. D., the $\frac{\text{District}}{\text{Sub-Divisional}}$ Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation of] under section 13 [*or* section 14] of Regulation of , and whereas I, E. F., son of , inhabitant of , have applied to the said Magistrate that the said A. B., may be delivered to my care and custody:

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(*Signature.*)

SCHEDULE II.

ENACTMENTS REPEALED.

(See section 74.)

1	2	3	4
Year	No.	Short title	Extent of Repeal
1872 ...	...	Rules relating to the custody and guardianship of minors, idiots and other disqualified persons in the Province of Mysore published in Notification by the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872.	So much as has not been repealed.
1874 ...	...	Rules for the reception and detention of lunatics in asylums in the Province of Mysore, published in Chief Commissioner's Notification No. 141, dated the 31st July 1874.	The whole.
1904 ...	II	Code of Criminal Procedure, 1904 ...	Section 471, sub-sections (2) and (3), and section 472.

Statement of objects and reasons.

The law relating to the custody and guardianship of lunatics and the management of their estates is contained in Rule 22 of the rules published with the Notification of the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872, and that about the reception and detention of lunatics in Mysore is contained in Notification No. 141, dated 31st July 1874.

As the rules were found to be defective, separate legislation was found desirable and a draft Regulation was published in the *Mysore Gazette* in 1903. The question was not taken up again for consideration till 1911. A new enactment has since been passed in British India on the subject and it is intended to repeal the above provisions in Mysore and enact a law on the lines of the Indian Lunacy Act, IV of 1912.

The main point wherein the Bill differs from the British Indian Act is that whereas in the British Indian Act provision is made for private lunatic asylums and also for more than one Government Asylum the Bill contains no such provisions as it is not intended to allow private asylums to be established here or to establish other Government Asylums in addition to the present one at Bangalore City.

D.O. No. 987

THE MYSORE RESIDENCY,

Bangalore, 8th February 1915.

My dear Dewan Sahib

I am desired to acknowledge, with thanks, the receipt of your D.O. letter No. 2709 dated the 6th February 1915, forwarding a Bill to consolidate and amend the law relating to lunacy, and in reply to say that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

Yours Sincerely

M. R. Watkins

M. Visvesvarava. Esq., C.I.E.

Dewan of Mysore

G. R. S. 26]

SUBJECT... Requesting sanction of the Government of India for passing the Mysore Lunacy Bill into Law.

*Diary No. of letter replied to*_____

Section Legis
File No. 1 ÷ 11
Serial No. 4

General and Revenue Secretariat

( )

, *the* 191

No. Rel 423 & 29-10-15
Ex Legislative

Date of issue 28/29 : 10 . 15

Signed by Elbe D. elb Narasinga Rao.

To The J. A. Resident in Mysore, Bangalore

Sir,

I am directed to forward herewith two copies of the Mysore Lunacy Bill as adopted by the Mysore Legislative Council 8 & 4 together with two copies of the Bill as introduced into the Council and of the report of the select Committee thereon and to state as follows:-

65

2. The Statement of Objs and reasons attached to the Bill as introduced into the Legislative Council clearly explains the purpose of the Bill. The Bill as amended by the Select Committee was placed before the Mysore Legislative Council and was adopted.

3. I am to request you to be so good as to move the Hon'ble the Resident to Kindly obtain the sanction of the Govt of India for the Bill being passed into law.

I have &c

for Secretary to Govt

G.D.

List of enclosures.
2 sets of bills &c.

Copied by

Examined by

GPB—20,000—14-2-14

66

NOTIFICATIONS.

No. 235—*L. C., dated 12th March* 1915.

Under Rule 31 of the rules for the conduct of business of the Mysore Legislative Council, the following Bill to consolidate and amend the law relating to Lunacy, is published for general information with a statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

The Mysore Lunacy Bill.

(As amended by the Select Committee)

CONTENTS.

PART I.

PRELIMINARY.

CHAPTER I

CLAUSES.

1. Short title and extent.
2. Definitions.

PART II

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

RECEPTION OF LUNATICS.

CLAUSES.

3. Reception of persons in asylum.

Reception orders on petition.

4. Application for reception order.
5. Application by whom to be presented.
6. Procedure upon petition for reception order.
7. Detention of alleged lunatic pending inquiry.
8. Consideration of petition.
9. Order.
10. Further provisions as to reception orders on petition.

Reception orders otherwise than on petition.

~~11. Reception order in case of lunatic soldier.~~

11 ~~12~~. Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

12 ~~13~~. Reception order in case of wandering and dangerous lunatics.

13 ~~14~~. Order in case of lunatic cruelly treated or not under proper care and control.

14 ~~15~~. Detention of alleged lunatic pending report by medical officer.

Further provisions as to reception orders and medical certificates.

15 ~~16~~. Medical certificates.

16 ~~17~~. Time and manner of medical examination of lunatic.

17 ~~18~~. Authority for reception.

18 ~~19~~. Copy of reception order to be sent to person in charge of asylum.

Detention of lunatics pending removal to asylum.

19 ~~20~~. Detention of lunatics pending removal to asylum.

20 ~~21~~. Lunatic prisoners how to be dealt with.

Reception and detention of criminal lunatics.

21 ~~22~~. Reception and detention of criminal lunatics.

Reception after inquisition.

22 ~~23~~. Reception after inquisition.

23 ~~24~~. Order for payment of cost of maintenance of lunatics.

Amendment of order or certificate.

24 ~~25~~. Amendment of order or certificate.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

25 ~~26~~. Appointment of visitors.

26 ~~27~~. Monthly inspection by visitors.

27 ~~28~~. Inspection of criminal lunatics by Inspector-General or visitors.

Discharge of lunatics.

CLAUSES.

28 29. Order of discharge from asylum by visitors.
29 30. Discharge of lunatics in other cases ~~and of European military lunatics~~.
30 31. Order of discharge on undertaking of relative for due care of the lunatic.
31 32. Discharge of person subsequently found on inquisition not to be of unsound mind.

Escape and re-capture.

32 33. Order to justify detention and re-capture after escape.

PART III.

JUDICIAL INQUISITION AS TO LUNACY.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

33 34. Power of District Court to institute inquisition as to persons alleged to be lunatic.
34 35. Application by whom to be made.
35 36. Notice of time and place of inquisition.
36 37. Powers of Court in respect of attendance and examination of lunatics.
37 38. Rules respecting attendance and examination of females alleged to be lunatic.
38 39. Inquisition by District Court and finding thereon.
39 40. Inquisition by subordinate Court on commission issued by District Court, and proceedings thereon.

Judicial powers over person and estate of lunatic.

40 41. Custody of lunatics and management of their estates.
41 42. Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.
42 43. Control over proceedings of Deputy Commissioner.
43 44. Power of District Court to appoint guardian and manager and take security from manager.
44 45. Power to apply property for lunatic's maintenance without appointing manager in certain cases.
45 46. Power to apply property for lunatic's maintenance in case of temporary lunacy.
46 47. Restriction on appointment of legal heir of lunatic to be guardian of his person.
47 48. Remuneration of managers and guardians.
48 49. Duties of guardian.
49 50. Powers of manager.
50 51. Manager to furnish inventory and annual accounts.
51 52. Proceedings if accuracy of inventory or accounts is impugned.
52 53. Payment into public treasury and investment of proceeds of estate.
53 54. Relative may sue for an account.
54 55. Removal of manager or guardian.
55 56. Penalty on manager for refusing to deliver accounts or property.
56 57. Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.
57 58. Appeals.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSES OF LUNATICS.

CLAUSES.

~~59. Payment of cost of maintenance in case of lunatic soldier.~~

58 60. Application of property in the possession of a lunatic found wandering.

59 61. Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.

60 62. Order of Court and enforcement thereof.

61 63. Saving of liability of relatives to maintain lunatic.

CHAPTER VI.

RULES.

62 64. Power of Government to make rules.

63 65. Publication of rules.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64 66. Penalty for improper reception or detention of lunatic.

65 67. Provision as to bonds.

66 68. Pension of lunatic payable by Government.

67 69. Use of forms in Schedule.

68 70. Protection to persons acting under Regulation.

69 71. Power to give effect to warrants and orders of certain Courts outside Mysore.

70 72. Power to make rules for reception of lunatics received from outside Mysore.

71 73. Orders under repealed enactments.

72 74. Repeal of enactments.

SCHEDULE I.—FORMS.

SCHEDULE II.—ENACTMENTS REPEALED.

A Bill to consolidate and amend the law relating to Lunacy.

Whereas it is expedient to consolidate and amend the law relating to lunacy; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title and extent.

1. (1) This Regulation may be called the Mysore Lunacy Regulation, 1916.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "asylum" means the asylum for lunatics established by Government at Bangalore:

(2) "cost of maintenance" in an asylum means the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in connection with his transit to and from the asylum;

(3) "District Court" means the Principal Civil Court of original jurisdiction.

(4) "criminal lunatic" means any person for whose confinement in, or removal to, the asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1904:

(5) "lunatic" means an idiot or person of unsound mind:

(6) "Magistrate" means a District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under this Regulation:

(7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of Government to be a medical officer for the purposes of this Regulation:

(8) "medical practitioner" means the holder of the degree of Doctor, Bachelor or Licentiate of medicine and surgery of any of the British or Indian Universities and any person trained in a medical college or school who holds a diploma or certificate granted by the Government of Mysore or by any Local Government in British India declaring him to be qualified to practice medicine, surgery or midwifery or be qualified for the duties of an Assistant or Sub-Assistant Surgeon:

(9) "prescribed" means prescribed by this Regulation or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Regulation for the reception into the asylum of a lunatic other than a lunatic so found by inquisition:

(11) "relative" includes any person related by blood, marriage or adoption: and

(12) "rule" means a rule made under this Regulation.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylum.

3. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in the asylum without a reception order save as provided by sections 7[45] and 7[46].

Provided that the person in charge of the asylum may, with the consent of two of the visitors of the asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in the asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in the asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave the asylum.

Reception orders on petition.

Application for reception order.

4. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

Application by whom to be presented.

5. (1) The petition shall be presented, if possible, by—

(*a*) the husband or wife of the alleged lunatic, or

(*b*) by any other relative of his.

(2) If the petition is not so presented, it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure upon petition for reception order.

6. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

7. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

8. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Consideration of petition.

9. At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

Order.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

10. No reception order shall be made under section 6 or section 9, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

Further provisions as to reception orders on petition.

(*a*) the Magistrate is satisfied that the person in charge of the asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Reception orders otherwise than on petition.

11. When any European who is subject to the provisions of the Army Act has been declared a lunatic in accordance with the provisions of the military regulations in force for the time being, and it appears to any administrative medical officer that he should be removed to the asylum, such administrative medical officer may, if he thinks fit, make a reception order under his hand for the admission of the said lunatic into the asylum.

Reception order in case of lunatic soldier.

12. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

(2) Every officer in charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

13. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 12, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into the asylum:

Reception order in case of wandering and dangerous lunatics.

Provided that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned

that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

13 14. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

Order in case of lunatic cruelly treated or not under proper care and control.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 18, 12 and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into the asylum.

14 15. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 12 or section 14, 11 13 the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

Detention of alleged lunatic pending report by medical officer.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary:

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Further provisions as to reception orders and medical certificates.

15 16. (1) Every medical certificate under this Regulation shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

Medical certificates.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Regulation shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

16 17. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate, has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

Time and manner of medical examination of lunatic.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

17 ~~18~~. A reception order, if the same appears to be in conformity with this Regulation, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, ~~or in the asylum to which he may be removed in accordance with the provisions of this Regulation,~~ and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Authority for reception.

18 ~~19~~. Any authority making a reception order under this part shall forthwith send a certified copy of the order to the person in charge of the asylum, ~~into which such lunatic is to be admitted.~~

Copy of reception order to be sent to person in charge of asylum.

Detention of lunatics pending removal to asylum.

19 ~~20~~. When any reception order has been made under sections 6, 9, ~~13~~ 12 or ~~14~~ 13, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to the asylum be detained in suitable custody in such place as the Magistrate thinks fit.

Detention of lunatics pending removal to asylum.

20 ~~21~~. (1) Where it appears to Government that any person detained or imprisoned under any order or sentence of any court is of unsound mind, Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to the asylum or other place of safe custody within the state there to be kept and treated as Government directs, during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

Lunatic prisoners how to be dealt with.

(2) Where it appears to Government that the prisoner has become of sound mind, Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within Mysore, or if the prisoner is no longer to be kept in custody, order him to be discharged.

Reception and detention of criminal lunatics.

21 ~~22~~. An order under section 466 or section 471 of the Code of Criminal Procedure, 1904, or under section 21 ~~20~~ of this Regulation, directing the reception of a criminal lunatic into the asylum ~~which is prescribed for the reception of criminal lunatics~~ shall be sufficient authority for the reception and detention of any person named therein in ~~such~~ asylum.

Reception and detention of criminal lunatics.

Reception after inquisition.

22 ~~23~~. A lunatic so found by inquisition may be admitted into the asylum on an order made by the District Court.

Reception after inquisition.

23 ~~24~~. (1) When any lunatic has been admitted into the asylum in accordance with the provisions of section 22 ~~23~~, the District Court shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him:

Order for payment of cost of maintenance of lunatic.

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate.

24 ~~25.~~ If, after the reception of any lunatic into the asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the asylum, one of whom shall be a medical officer.

Amendment of order or certificate.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

25 ~~26.~~ (1) Government shall appoint for the asylum not less than three visitors, one of whom at least shall be a medical officer.

Appointment of visitors.

(2) The Inspector-General of Prisons shall be a visitor *ex officio* of the asylum.

26 ~~27.~~ Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month together inspect every part of the asylum and see and examine, as far as circumstances will permit, every lunatic and boarder therein and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Monthly inspection by visitors.

27 ~~28.~~ (1) When any person is confined under the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1904, the Inspector-General of Prisons, if such person is confined in a jail or the visitors of the asylum or any two of them, if he is confined in the asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

Inspection of criminal lunatics by Inspector-General or visitors.

(2) Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics.

28 ~~29.~~ (1) Three of the visitors of the asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in the asylum, and such person shall thereupon be discharged:

Order of discharge from asylum by visitors.

Provided that no order under this sub-section shall be made ~~in the case of a person detained under a reception order under section 11, or~~, in the case of a criminal lunatic, otherwise than as provided by section ~~21~~ 20 of this Regulation.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of lunatics in other cases. ~~and of European military lunatics.~~

29 ~~30~~. ~~(1)~~ A lunatic detained in the asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum:

Provided that no lunatic shall be discharged ~~under the provisions of sub-section (1)~~ if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

(2) A person detained in the asylum under a reception order made under section 11 shall be detained therein until he is discharged therefrom in accordance with the military regulations in force for the time being, or until the officer making the order applies for his transfer to the military authorities in view to his removal to England.

(3) Whenever it appears to the officer in charge of the asylum that the discharge of a person therein detained under an order made under section 11 is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the General or other Officer, Commanding the division, district, brigade, or force, or other officer authorized to order the admission of such persons into the asylum, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the military regulations in force for the time being.

Order of discharge on undertaking of relative for due care of the lunatic.

30 ~~31~~. When any relative or friend of a lunatic detained in the asylum under the provisions of sections ~~13~~ 12 or ~~14~~ 13 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on inquisition not to be of unsound mind.

31 ~~32~~. If any lunatic detained in the asylum on a reception order made under sections 6, 9, ~~13~~ 12 or ~~14~~ 13 is subsequently found on an inquisition under Chapter IV not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Escape and re-capture.

Order to justify detention and recapture after escape.

32 ~~33~~. Every person received into the asylum under any such order as is required by this Regulation, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police officer or by the person in charge of ~~such~~ asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in the asylum:

Provided that in the case of a lunatic not being a criminal lunatic ~~or a lunatic in respect of whom a reception order has been made under section 12~~ the power to re-take such escaped lunatic under this section shall be exerciseable only for a period of one month from the date of his escape.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

33 ~~34~~. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

34 ~~35~~. (*1*) Application for such inquisition may be made by any relative of the alleged lunatic or by the Government Pleader, as defined in the Code of Civil Procedure, 1911, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Deputy Commissioner of the district in which it is situate.

Application by whom to be made.

35 ~~36~~. (*1*) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

Notice of time and place of inquisition.

(*2*) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(*3*) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

36 ~~37~~. (*1*) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

Powers of Court in respect of attendance and examination of lunatics.

(*2*) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

37 ~~38~~. The attendance and examination of the alleged lunatic under the provisions of section 36 ~~37~~ shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other Civil cases.

Rules respecting attendance and examination of females alleged to be lunatic.

38 ~~39~~. (*1*) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

Inquisition by District Court and finding thereon.

(*2*) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

39 ~~40~~. (*1*) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereon.

(*2*) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors

have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 38 ~~39~~, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates.

40 ~~41~~. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.

41 ~~42~~. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Deputy Commissioner to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Deputy Commissioner previously obtained.

(2) The Deputy Commissioner shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Deputy Commissioner.

42 ~~43~~. All proceedings of the Deputy Commissioner in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of Government or of such authority as it may appoint in this behalf.

Power of District Court to appoint guardian and manager and take security from manager.

43 ~~44~~. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may instead of appointing a manager of the estate of a lunatic proceed under sections 44 ~~45~~ and ~~46~~ 45.

(2) Any person who has been appointed by the District Court or Deputy Commissioner to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Deputy Commissioner, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

44 ~~45~~. (1) If it appears to the District Court having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may instead of appointing a manager of the estate, order that the property if realised, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Power to apply property for lunatics in case of temporary lunacy.

45 ~~46~~. If it appears to the District Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under section 44 ~~45~~ direct his property or a sufficient part of it to be applied for the purpose aforesaid.

46 ~~47~~. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

47 ~~48~~. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the Court or the Deputy Commissioner, as the case may be, thinks fit for his care and pains in the execution of his duties.

Remuneration of managers and guardians.

48 ~~49~~. (*1*) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

Duties of guardian.

(*2*) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Deputy Commissioner, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

49 ~~50~~. (*1*) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Powers of manager.

Provided that no manager so appointed shall without the permission of the Court—

(*a*) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic,

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(*2*) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

50 ~~51~~. (*1*) Every person appointed by the District Court or by the Deputy Commissioner to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Deputy Commissioner, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive ~~an~~ account of the estate, together with a statement of all debts due by or to the same.

Manager to furnish inventory and annual accounts.

(*2*) Every such manager shall also furnish to the Court or to the Deputy Commissioner annually, within three months of the close of the year an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

51 ~~52~~. If any relative of the lunatic, or the Deputy Commissioner by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Deputy Commissioner, if the manager was appointed by the Deputy Commissioner.

Proceedings if accuracy of inventory or accounts is impugned.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSES OF LUNATICS.

Payment of cost of maintenance in case of lunatic soldier.

59. The paymaster of the military circle within which the asylum is situated shall pay to the officer in charge of the asylum the cost of maintenance of every lunatic received and detained therein under an order made under section 11.

Application of property in the possession of a lunatic found wandering.

~~60.~~ Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him:

~~61.~~ If a lunatic detained in the asylum on a reception order made under section ~~12~~ 13 or section ~~13~~ 14 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order ~~or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force~~ may apply to the District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Order of Court and enforcement thereof.

~~62.~~ (*1*) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application out of such estate or from such person.

(*2*) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person therein mentioned

Saving of liability of relatives to maintain lunatic.

~~63.~~ The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Regulation.

CHAPTER VI.

RULES.

Power of Government to make rules.

~~64.~~ (*1*) Government may make rules for all or any of the following purposes, namely:—

(*a*) to prescribe forms for any proceeding under this Regulation;

(*b*) to prescribe places of detention and regulate the care and treatment of persons detained under section 7 or section ~~15~~ 14;

(*c*) to regulate the confinement, care, treatment and discharge of criminal lunatics;

(*d*) to regulate the management of the asylum and the care and custody of the inmates thereof;

~~(c) to regulate the transfer of criminal lunatics to the asylum~~;

(c) (~~d~~) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to the asylum;

(d) (~~e~~) save as otherwise provided in this Regulation, generally to carry into effect the provisions of the Regulation.

(2) In making any rule under this section, Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of rules.

63 ~~65~~. All rules made under section ~~64~~ 62 shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Penalty for improper reception or detention of lunatic.

64 ~~66~~. Any person who—

(*a*) otherwise than in accordance with the provisions of this Regulation receives or detains a lunatic or alleged lunatic in the asylum, or

(*b*) for gain detains two or more lunatics in any place not being the asylum,

shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provision as to bonds.

65 ~~67~~. The provisions of Chapter XLII of the Code of Criminal Procedure, ~~1914~~ 1904, shall, so far as may be, apply to bonds taken under this Regulation.

Pension of lunatic payable by Government.

66 ~~68~~. (*1*) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(*2*) Government shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Use of forms in Schedule.

67 ~~69~~. Subject to any rules, the forms set forth in the First Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Protection to persons acting under Regulation.

68 ~~70~~. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Power to give effect to warrants and orders of certain Courts outside Mysore.

69 ~~71~~. The officer in charge of the asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or ~~tribunal~~ beyond the limits of Mysore notified by Government in this behalf in the official Gazette from time to time.

Power to make rules for reception of lunatics received from outside Mysore.

70 ~~72~~. The Government may make rules ~~regulating the procedure for~~ the reception and detention in the asylum of lunatics whose reception and detention are provided for by section ~~71~~ 69.

78. (1) In the case of orders made before the commencement of this Regulation under Rules 3 and 4 of the rules for the Reception and Detention of Lunatics in the Province of Mysore published in Notification No. 141, dated the 31st July 1874 for the reception of persons into the asylum, the persons who signed the order shall have all the powers and be subject to the obligations by this Regulation conferred or imposed upon the petitioner for a reception order, and the provisions of this Regulation relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order, under Rules 3 and 4 of the rules for the Reception and Detention of Lunatics in the Province of Mysore, 1874, before the commencement of this Regulation as if the order had been made after the commencement of this Regulation upon a petition presented by him.

Orders under repealed enactments.

(2) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Regulation and by or to the authority empowered thereby in such behalf.

79. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof.

Repeal of enactments.

SCHEDULE I.

FORMS.

67

(*See section* ~~80~~.)

FORM I.

Application for Reception Order.

(*See sections 4 and 5.*)

In the matter of A. B. [1], residing at , by occupation son of , a person alleged to be a lunatic.

To

District Magistrate of ; [*or* Sub-Divisional Magistrate of *or* Magistrate specially empowered under Regulation of for].

The petition of C. D. [1], residing at , by occupation on of , in the town of [*or* sub-division of in the district of].

1. I am [2] years of age.

2. I desire to obtain an order for the reception of A. B. as a lunatic in the lunatic asylum situate at Bangalore.

3. I last saw the said A. B. at on the [3] day of

4. I am the [4] of the said A. B.

[*or if the petitioner is not a relative of the patient state as follows.*]

I am not a relative of the said A. B. The reasons why this petition is not presented by a relative are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

5. The persons signing the medical certificates which accompany the petition are [5]

6. A statement of particulars relating to the said A. B. accompanies this petition.

---

[1] Full name, caste and titles.

[2] Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

[3] A day within 14 days before the date of the presentation of the petition is requisite.

[4] Here state the relationship with the patient.

[5] Here state whether either of the persons signing the medical certificates is a relative, partner or assistant of the lunatic or of the petitioner and, if a relative of either, the exact relationship

7. [*If that is the fact.*] An application for an inquiry into the mental capacity of the said A. B. was made to the on the and a certified copy of the order made on the said petition is annexed hereto. [*Or if that is the fact.*]

No application for an inquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd). C. D.

The statements contained or referred to in paragraphs are true to my knowledge the other statements are true to my information and belief.

(Sd.) C. D.

Dated

Statement of particulars.

[*If any of the particulars in this statement is not known, the fact to be so stated.*]

The following is a statement of particulars relating to the said A. B.

Name of patient at length.
Sex and age.
Married, single or widowed.
Previous occupation.
Caste and religious belief, as far as known.
Residence at or immediately previous to the date hereof.
Names of any near relatives to the patient who are alive
Whether this is first attack of lunacy.
Age (if known) on first attack.
When and where previously under care and treatment as a lunatic.
Duration of existing attack.
Supposed cause.
Whether the patient is subject to epilepsy.
Whether suicidal.
Whether the patient is known to be suffering from phthisis or any form of tubercular disease.
Whether dangerous to others, and in what way.
Whether any near relative (stating the relationship) has been afflicted with insanity.
Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

[The statements contained or referred to in paras. are true to my knowledge. The other statements are true to my information and belief.]

[*Signature by person making the statement.*]

FORM 2.

Reception Order on Petition.

(*See sections 6, 9.*)

I, the undersigned E. F., being the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under Regulation of] upon the petition of C. D. of [1] in the matter of A. B., [1] a lunatic, accompanied by the medical certificates of G. H., a medical officer, and of J. K., a medical practitioner [*or* medical officer], under the said Regulation, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have [*or* have not] personally seen the said A. B. before making this order.

(Sd.) E. F.

(*Designation as above.*)

To [2]

---

[1] Address and description.

[2] To be addressed to the officer or person in charge of the asylum.

FORM 3.

Medical certificate.

(*See sections* ~~16, 17.~~ 15, 16)

In the matter of A. B. of [1] in the town of [*or* the sub-division of in the district of] an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows:

1. I am a gazetted medical officer [*or* a medical practitioner declared by Government to be medical officer under a holder of [2] [*or* declared by Government to be a medical practitioner under Regulation, of] Regulation of] and I am in the actual practice of the medical profession.

2. On the day of 19 at [3] in the town / village of [*or* the sub-division of in the district of] [separately from any other practitioner] [4], I personally examined the said A. B. and came to the conclusion that the said A. B. is a lunatic and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, *viz.*:—

(*a*) Facts indicating insanity observed by myself, *viz.*:—

(*b*) Other facts (if any) indicating insanity communicated to me by others, *viz.*:—
Here state the information and from whom.

(Sd). C. D.
(*Designation as above.*)

FORM 4.

Reception Order in case of Lunatic Soldier.

(*See section 11.*)

Whereas it appears to me that A. B., a European, subject to the Army Act, who has been declared a lunatic in accordance with the provisions of the military regulations, should be removed to the asylum. I do hereby authorise you to receive the said A. B. into your asylum.

(Sd.) E. F.
(*Administrative Medical Officer.*)

To [5]

FORM ~~X~~ 4

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated sent to the asylum.

(*See sections* ~~13, 14.~~ 12, 13)

I, C. D., the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate specially empowered by Government under Regulation of] having caused A. B. to be examined by E. F., a Medical Officer under the Mysore Lunacy Regulation, , and being satisfied that A. B. [*describing him*] is a lunatic who was wandering at large [*or* is a person dangerous by reason of lunacy] [*or* is a lunatic not under proper care and control *or* is cruelly treated or neglected by the person having the care or charge of him] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.
(*Designation as above.*)

Dated the

To the officer in charge of the asylum at Bangalore.

---

[1] Insert residence of patient.
[2] Insert qualification to practise medicine and surgery registrable in the United Kingdom.
[3] Insert place of examination.
[4] Omit this where only one certificate is required.
[5] To be addressed to the person in charge of an asylum duly authorised by Government to receive lunatic Europeans subject to the Army Act.

FORM 15

Bond on the making over of a lunatic to the care of relative or friend.

(*See sections* ~~13, 14~~ 12, 13.)

Whereas A. B., son of inhabitant of , has been brought up before C. D., the District / Sub-Divisional Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation of] and is a lunatic who is believed to be dangerous [*or* deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him] and whereas I, E. F., son of , inhabitant of , have applied to the Magistrate that the said A. B., may be delivered to my care:

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others: and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore. the sum of rupees

Dated this day of 19

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(*Signature.*)

FORM 16

Bond on the discharge of a lunatic from the asylum on the undertaking of relative or friend to take due care.

(*See section* ~~31~~ 30.)

Whereas A. B., son of , inhabitant of , is a lunatic who is now detained in the lunatic asylum at Bangalore, under an order made by C. D., the District / Sub-Divisional Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation of] under section 13 [*or* section 14] of Regulation of , and whereas I, E. F., son of , inhabitant of , have applied to the said Magistrate that the said A. B., may be delivered to my care and custody:

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees .

Dated this day of 19

(*Signature.*)

SCHEDULE II.

ENACTMENTS REPEALED.

(*See section 72.*)

1	2	3	4
Year	No.	Short title	Extent of Repeal
1872 ...	...	Rules relating to the custody and guardianship of minors, idiots and other disqualified persons in the Province of Mysore published in Notification by the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872.	So much as has not been repealed.
1874 ...	...	Rules for the reception and detention of lunatics in asylums in the Province of Mysore, published in Chief Commissioner's Notification No. 141, dated the 31st July 1874.	The whole.
1904 ...	II	Code of Criminal Procedure, 1904 ...	Section 471, sub-sections (2) and (3), and section 472.

Statement of objects and reasons.

The law relating to the custody and guardianship of lunatics and the management of their estates is contained in Rule 22 of the rules published with the Notification of the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872, and that about the reception and detention of lunatics in Mysore is contained in Notification No. 141, dated 31st July 1874.

As the rules were found to be defective, separate legislation was found desirable and a draft Regulation was published in the *Mysore Gazette* in 1903. The question was not taken up again for consideration till 1911. A new enactment has since been passed in British India on the subject and it is intended to repeal the above provisions in Mysore and enact a law on the lines of the Indian Lunacy Act, IV of 1912.

The main point wherein the Bill differs from the British Indian Act is that whereas in the British Indian Act provision is made for private lunatic asylums and also for more than one Government Asylum the Bill contains no such provisions as it is not intended to allow private asylums to be established here or to establish other Government Asylums in addition to the present one at Bangalore City.

NOTIFICATION.

No. 78—L. C., dated Bangalore, the 4th September 1915.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Report of the Select Committee on the Mysore Lunacy Bill is published for general information :—

By Order,
T. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore Lunacy Bill.

We, the Members of the Select Committee, appointed to consider the Mysore Lunacy Bill, have the honor to submit the following report to the Council, with the Bill as amended by us.

We have examined the provisions of the Bill carefully and have made the following amendments :—

Clauses 11, 29, 30, 33 and 59 and Schedule I.—As necessary action can be taken under clauses 71 and 72 of the Bill to give effect to the present arrangement with the Civil and Military Station authorities to receive their lunatics, civil as well as military, into the Lunatic Asylum, clause 11 has been omitted. Consequent on this omission clause 59, sub-clauses (2) and (3) of clause 30 and the words "in the case of a person detained under a reception order under Section 11, or" in the proviso to clause 29, "and of European Military Lunatics" in the marginal note, "under the provisions of sub-section (1)" in the proviso to sub-clause (1) of clause 30 and "or a lunatic in respect of whom a reception order has been made under section [12] 11" in the proviso to clause 33 and form No. 4 in Schedule I, have been omitted.

Clauses 18, 19, 22, 23 and 64.—As the Bill contemplates only one asylum the words "or in the asylum to which he may be removed in accordance with the provisions of this Regulation" in clause 18, "into which such lunatic is to be admitted" in clause 19 and "which is prescribed for the reception of criminal lunatics" in clause 22 and paragraph (*e*) of sub-clause (1) of clause 64 have also been omitted and the word "the" substituted for the word "such" in clauses 22 and 33.

Clause 53.—The word "authorised" has been substituted for the words "enumerated from time to time" and the words "by means of a notification published in the official gazette" have been omitted in clause 53.

Clause 61.—As there is now no local authority liable for the cost of maintaining any lunatic, the words "or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force" have been omitted.

Clause 71.—The word "authority" has been substituted for the word "tribunal" in clause 71.

Clause 72.—The word "regarding" has been substituted for the words 'regulating the procedure for" in clause 72.

Clause 73.—Sub-clause (1) of clause 73 has been omitted.

The other changes are merely of a consequential or verbal nature.

We recommend that the Bill as amended by us be passed into law.

As the Bill has not been materially altered, we think it is unnecessary to republish the same, as amended by us, in the Gazette.

H. V. NANJUNDAYYA.
D. M. NARASINGA RAO.
C. S. DORASWAMI IYER.
B. K. GARUDACHAR.
B. VENKATASAMANNA.

No. 8536.

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

1438

1915 TO 16
SECTION Legis
FILE No. 1-11
SERIAL 5

Dated Bangalore, 25-11-1915.

SIR,

I am directed to acknowledge the receipt of Mr. Narasinga Rao's letter No. 423 Pol., dated the 28/29th October 1915, forwarding for the orders of the Government of India, a draft of the Mysore Lunacy Bill.

2. In reply, I am to say that the Governor General in Council has been pleased to accord his consent to the draft bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 18 of the Treaty dated the 26th November 1918.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

R. O. 2.—R. P. B.—10-1915.—1,000.

G.R.S. 28]

ab

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613

File No. 1-11
Serial No. 6

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 191 .

READ—

Date of issue 6th March, 1916

Signed by Mr. R. Sreenivasa Iyer

ORDER THEREON.—No. J 3604/Exc. D. 6-3-16 Legislative Regn.

Ordered that the accompanying Regulation (A Regulation the Mysore Lunacy Regn.) which received the assent of His Highness the

over.

SUBJECT.

91

Maharaja on the 25th Feb. 1916
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be published as Regn I of
1916 for general information.

Ss 31/3/16

for Secretary to Govt.

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THE MYSORE LUNACY REGULATION

CONTENTS.

PART I.

Preliminary.

CHAPTER I.

SECTIONS.

1. Short title and extent.
2. Definitions.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

RECEPTION OF LUNATICS

3. Reception of persons in asylum.

Reception orders on petition.

4. Application for reception order.
5. Application by whom to be presented.
6. Procedure upon petition for reception order.
7. Detention of alleged lunatic pending inquiry.
8. Consideration of petition.
9. Order.
10. Further provisions as to reception orders on petition.

Reception orders otherwise than on petition

11. Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.
12. Reception order in case of wandering and dangerous lunatics.
13. Order in case of lunatic cruelly treated or not under proper care and control.
14. Detention of alleged lunatic pending report by medical officer.

Further provisions as to reception orders and medical certificates.

15. Medical certificates.
16. Time and manner of medical examination of lunatic
17. Authority for reception.
18. Copy of reception order to be sent to person in charge of asylum.

Detention of lunatics pending removal to asylum.

19. Detention of lunatics pending removal to asylum.
20. Lunatic prisoners how to be dealt with.

Reception and detention of criminal lunatics.

SECTIONS.

21. Reception and detention of criminal lunatics.

Reception after inquisition.

22. Reception after inquisition.
23. Order for payment of cost of maintenance of lunatics.

Amendment of order or certificate.

24. Amendment of order or certificate.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

25. Appointment of visitors.
26. Monthly inspection by visitors.
27. Inspection of criminal lunatics by Inspector-General or visitors.

Discharge of lunatics.

28. Order of discharge from asylum by visitors.
29. Discharge of lunatics in other cases.
30. Order of discharge on undertaking of relative for due care of the lunatic.
31. Discharge of person subsequently found on inquisition not to be of unsound mind.

Escape and re-capture.

32. Order to justify detention and re-capture after escape.

PART III.

JUDICIAL INQUISITION AS TO LUNACY.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

33. Power of District Court to institute inquisition as to persons alleged to be lunatic.
34. Application by whom to be made.
35. Notice of time and place of inquisition.
36. Powers of Court in respect of attendance and examination of lunatics.
37. Rules respecting attendance and examination of females alleged to be lunatic.
38. Inquisition by District Court and finding thereon.
39. Inquisition by subordinate Court on commission issued by District Court, and proceedings thereon.

Judicial powers over person and estate of lunati

40. Custody of lunatics and management of their estates.
41. Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.
42. Control over proceedings of Deputy Commissioner.
43. Power of District Court to appoint guardian and manager and take security from Manager.

SECTIONS.

44. Power to apply property for lunatic's maintenance without appointing manager in certain cases.
45. Power to apply property for lunatic's maintenance in case of temporary lunacy.
46. Restriction on appointment of legal heir of lunatic to be guardian of his person.
47. Remuneration of managers and guardians.
48. Duties of guardian.
49. Powers of manager.
50. Manager to furnish inventory and annual accounts.
51. Proceedings if accuracy of inventory or accounts is impugned.
52. Payment into public treasury and investment of proceeds of estate.
53. Relative may sue for an account.
54. Removal of manager or guardian.
55. Penalty on manager for refusing to deliver accounts or property
56. Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.
57. Appeals.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSES OF LUNATICS.

58. Application of property in the possession of a lunatic found wandering.
59. Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.
60. Order of Court and enforcement thereof.
61. Saving of liability of relatives to maintain lunatic.

CHAPTER VI.

RULES.

62. Power of Government to make rules.
63. Publication of rules.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Penalty for improper reception or detention of lunatic.
65. Provision as to bonds.
66. Pension of lunatic payable by Government.
67. Use of forms in Schedule.
68. Protection to persons acting under Regulation.
69. Power to give effect to warrants and orders of certain Courts outside Mysore.
70. Power to make rules for reception of lunatics received from outside Mysore.
71. Orders under repealed enactments.
72. Repeal of enactments.

SCHEDULE I.—FORMS.

SCHEDULE II.—ENACTMENTS REPEALED.

REGULATION No. I OF 1916.

A Regulation to consolidate and amend the law relating to Lunacy.

(Received the assent of His Highness the Maharaja on the 25th day of February 1916.)

Whereas it is expedient to consolidate and amend the law relating to lunacy; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

CHAPTER I.

Short title and extent.

1. (1) This Regulation may be called the Mysore Lunacy Regulation, 1916.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "asylum" means the asylum for lunatics established by Government at Bangalore:

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from the asylum:

(3) "district court" means the principal Civil Court of original jurisdiction:

(4) "criminal lunatic" means any person for whose confinement in, or removal to, the asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1904:

(5) "lunatic" means an idiot or person of unsound mind:

(6) "magistrate" means a District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by Government to perform the functions of a magistrate under this Regulation:

(7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of Government to be a medical officer for the purposes of this Regulation:

(8) "medical practitioner" means the holder of the degree of Doctor, Bachelor or licentiate of medicine and surgery of any of the British or Indian Universities and any person trained in a medical college or school who holds a diploma or certificate granted by the Government of Mysore or by any Local Government in British India declaring him to be qualified to practice medicine, surgery or midwifery or be qualified for the duties of an Assistant or Sub-Assistant Surgeon:

(9) "prescribed" means prescribed by this Regulation or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Regulation for the reception into the asylum of a lunatic other than a lunatic so found by inquisition:

(11) "relative" includes any person related by blood, marriage or adoption: and

(12) "rule" means a rule made under this Regulation.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylum.

3. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in the asylum without a reception order save as provided by sections 7, 14 and 69.

Provided that the person in charge of the asylum may, with the consent of two of the visitors of the asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in the asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in the asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave the asylum.

Reception orders on petition.

Application for reception order.

4. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

Application by whom to be presented.

5. (1) The petition shall be presented, if possible, by—

(*a*) the husband or wife of the alleged lunatic, or

(*b*) by any other relative of his.

(2) If the petition is not so presented, it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure upon petition for reception order.

6. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

7. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

Consideration of petition.

8. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Order.

9. At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

10. No reception order shall be made under section 6 or section 9, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(*a*) the Magistrate is satisfied that the person in charge of the asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Reception orders otherwise than on petition

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

11. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics.

12. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 11, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into the asylum:

Provided that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned

that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated or not under proper care and control.

13. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 12, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into the asylum.

Detention of alleged lunatic pending report by medical officer.

14. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 11 or section 13, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary :

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Further provisions as to reception orders and medical certificates.

Medical certificates.

15. (1) Every medical certificate under this Regulation shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Regulation shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

16. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate, has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception.

17. A reception order, if the same appears to be in conformity with this Regulation, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Copy of reception order to be sent to person in charge of asylum.

18. Any authority making a reception order under this part shall forthwith send a certified copy of the order to the person in charge of the asylum.

Detention of lunatics pending removal to asylum.

Detention of lunatics pending removal to asylum.

19. When any reception order has been made under Sections 6, 9, 12 or 13, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to the asylum be detained in suitable custody in such place as the Magistrate thinks fit.

Lunatic prisoners how to be dealt with.

20. (1) Where it appears to Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to the asylum or other place of safe custody within the State there to be kept and treated as Government directs, during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to Government that the prisoner has become of sound mind, Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within Mysore, or if the prisoner is no longer to be kept in custody, order him to be discharged.

Reception and detention of criminal lunatics.

Reception and detention of criminal lunatics.

21. An order under Section 466 or Section 471 of the Code of Criminal Procedure, 1904, or under Section 20 of this Regulation, directing the reception of a criminal lunatic into the asylum shall be sufficient authority for the reception and detention of any person named therein in the asylum.

Reception after inquisition.

Reception after inquisition.

22. A lunatic so found by inquisition may be admitted into the asylum on an order made by the District Court.

Order for payment of cost of maintenance of lunatic.

23. (1) When any lunatic has been admitted into the asylum in accordance with the provisions of Section 22, the District Court shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him.

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate.

Amendment of order or certificate.

24. If after the reception of any lunatic into the asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

Appointment of visitors.

25. (1) Government shall appoint for the asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons shall be a visitor *ex-officio* of the asylum.

Monthly inspection by visitors.

26. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month together inspect every part of the asylum and see and examine, as far as circumstances will permit, every lunatic and boarder therein and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection of criminal lunatics by Inspector-General or visitors.

27. (1) When any person is confined under the provisions of Section 466 or Section 471 of the Code of Criminal Procedure, 1904, the Inspector-General of Prisons, if such person is confined in a jail or the visitors of the asylum or any two of them, if he is confined in the asylum, may visit him in order to ascertain his state of mind;-and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

(2) Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics.

Order of discharge from asylum by visitors.

28. (1) Three of the visitors of the asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in the asylum, and such person shall thereupon be discharged.

Provided that no order under this sub-section shall be made in the case of a criminal lunatic, otherwise than as provided by section 20 of this Regulation.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of lunatics in other cases.

29. A lunatic detained in the asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum:

Provided that no lunatic shall be so discharged if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

Order of discharge on undertaking of relative for due care of the lunatic.

30. When any relative or friend of a lunatic detained in the asylum under the provisions of section 12 or 13 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on inquisition not to be of unsound mind.

31. If any lunatic detained in the asylum on a reception order made under sections 6, 9, 12 or 13 is subsequently found on an inquisition under Chapter IV not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Escape and re-capture.

Order to justify detention and recapture after escape.

32. Every person received into the asylum under any such order as is required by this Regulation, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police officer or by the person in charge of the asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in the asylum:

Provided that in the case of a lunatic not being a criminal lunatic the power to re-take such escaped lunatic under this section shall be exerciseable only for a period of one month from the date of his escape.

CHAPTER IV.

PROCEEDINGS IN LUNACY.

Inquisition.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

33. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

34. Application for such inquisition may be made by any relative of the alleged lunatic or by the Government Pleader, as defined in the Code of Civil Procedure, 1911, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Deputy Commissioner of the district in which it is situate.

Application by whom to be made.

35. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

Notice of time and place of inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it things fit.

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

36. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

Powers of Court in respect of attendance and examination of lunatics.

(2) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

37. The attendance and examination of the alleged lunatic under the provisions of section 36 shall, if the alleged lunatic be a woman who according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other Civil cases.

Rules respecting attendance and examination of females alleged to be lunatic.

38. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assesors to the Court in the said inquisition.

Inquisition by District Court and finding thereon.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

39. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereof.

(2) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 38, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

40. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

Custody of lunatics and management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Power to direct Deputy Commissioner to take charge of person and estate of lunatic in certain cases.

41. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Deputy Commissioner to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Deputy Commissioner previously obtained.

(2) The Deputy Commissioner shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Deputy Commissioner.

42. All proceedings of the Deputy Commissioner in regard to the person or estate of a lunatic under this chapter shall be subject to the control of Government or of such authority as it may appoint in this behalf.

Power of District Court to appoint guardian and manager and take security from manager.

43. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may instead of appointing a manager of the estate of a lunatic proceed under Sections 44 and 45.

(2) Any person who has been appointed by the District Court or Deputy Commissioner to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Deputy Commissioner, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

44. (1) If it appears to the District Court having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may, instead of appointing a manager of the estate, order that the property if realised, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Power to apply property for lunatic in case of temporary lunacy.

45. If it appears to the District Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under Section 44 direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

46. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Remuneration of managers and guardians.

47. A guardian of the person of a lunatic or a manager of his estate appointed under this chapter shall be paid such allowance, if any, as the Court or the Deputy Commissioner, as the case may be, thinks fit for his care and pains in the execution of his duties.

48. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

Duties of guardian.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Deputy Commissioner, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

49. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Powers of manager.

Provided that no manager so appointed shall without the permission of the Court—

(*a*) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immovable property of the lunatic,

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

50. (1) Every person appointed by the District Court or by the Deputy Commissioner to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Deputy Commissioner, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

Manager to furnish inventory and annual accounts.

(2) Every such manager shall also furnish to the Court or to the Deputy Commissioner annually, within three months of the close of the year an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

51. If any relative of the lunatic, or the Deputy Commissioner by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Deputy Commissioner, if the manager was appointed by the Deputy Commissioner.

Proceedings if accuracy of inventory or accounts is impugned.

52. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities that may be authorised for this purpose by Government, unless the Court or the Deputy Commissioner, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

Payment into public treasury and investment of proceeds of estate.

53. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or any sums of money or other property received by him on account of such estate.

Relative may sue for an account.

Removal of managers and guardians.

54. (1) The District Court, for any sufficient cause, may remove any manager appointed by it and may appoint any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

(2) The Court may also, for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(3) The Deputy Commissioner, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and my appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Deputy Commissioner, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

Penalty on manager for refusing to deliver accounts or property.

55. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

56. (1) When any person has been found under this chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of magaging himself and his affairs.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside, on such terms and conditions as to the Court may seem fit.

Appeals.

57. An appeal shall lie to the Chief Court from any order made by a District Court, under this chapter.

PART IV.

MISCELLANEOUS.

CHAPTER V.

EXPENSE OF LUNATICS.

Application of property in the possession of a lunatic found wandering.

58. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.

59. If a lunatic detained in the asylum on a reception order made under section 12 or section 13, has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order may apply to the District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Order of Court and enforcement thereof.

60. (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application out of such estate or from such person.

(2) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

Saving of liability of relatives to maintain lunatic.

61. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Regulation.

CHAPTER VI.

RULES.

Power of Government to make rules.

62. (1) Government may make rules for all or any of the following purposes, namely:—

(*a*) to prescribe forms for any proceeding under this Regulation;

(*b*) to prescribe places of detention and regulate the care and treatment of persons detained under section 7 or section 14;

(*c*) to regulate the confinement, care, treatment and discharge of criminal lunatics;

(*d*) to regulate the management of the asylum and the care and custody of the inmates thereof;

(*e*) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to the asylum;

(*f*) save as otherwise provided in this Regulation, generally to carry into effect the provisions of the Regulation.

(2) In making any rule under these section, Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of rules.

63. All rules made under section 62 shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Penalty for improper reception or detention of lunatic.

64. Any person who—

(*a*) otherwise than in accordance with the provision of this Regulation receives or detains a lunatic or alleged lunatic in the asylum, or

(*b*) for gain detains two or more lunatics in any place not being the asylum, shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provision as to bonds.

65. The provisions of Chapter XLII of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to bonds taken under this Regulation.

Pension of lunatic payable by Government.

66. (1) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(2) Government shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Use of forms in Schedule.

67. Subject to any rules, the forms set forth in the First Schedule with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Protection to persons acting under Regulation.

68. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Power to give effect to warrants and orders of certain Courts outside Mysore.

69. The officer in charge of the asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or authority, beyond the limits of Mysore notified by Government in this behalf in the official Gazette from time to time.

Power to make rules for reception of lunatics received from outside Mysore.

70. The Government may make rules regarding the reception and detention in the asylum of lunatics whose reception and detention are provided for by section 69.

All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Regulation and by or to the authority empowered thereby in such behalf.

Repeal of enactments.

72. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

FORMS.

(See section 67.)

FORM I.

Application for Reception Order.

(See sections 4 and 5.)

In the matter of A. B. [1], residing at by occupation son of a person alleged to be a lunatic.

1881

To

District Magistrate of

[*or* Sub-Divisional Magistrate of

or Magistrate specially empowered under Regulation I of 1916

for

The petition of C. D. [1], residing at by occupation son of , in the town of [*or* sub-division of in the district of]

1. I am [2] years of age.

2. I desire to obtain an order for the reception of A. B. as a lunatic in the lunatic asylum situate at Bangalore.

3. I last saw the said A. B. at on the [3] day of

4. I am the [4] of the said A. B.

[*or if the petitioner is not a relative of the patient state as follows.*]

I am not a relative of the said A. B. The reasons why this petition is not presented by a relative are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

5. The persons signing the medical certificates which accompany the petition are [5].

6. A statement of particulars relating to the said A. B. accompanies this petition.

7. [*If that is the fact.*] An application for an inquiry into the mental capacity of the said A. B. was made to the on the and a certified copy of the order made on the said petition is annexed hereto.

[*Or if that is the fact.*] No application for an inquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd). C. D.

The statements contained or referred to in paragraphs are true to my knowledge; the other statements are true to my information and belief.

(Sd.) C. D.

Dated

Statement of particulars.

[*If any of the particulars in this statement is not known, the fact to be so stated.*]

The following is a statement of particulars relating to the said A. B.

Name of patient at length.

Sex and age.

Married, single or widowed.

Previous occupation.

Caste and religious belief, as far as known.

Residence at or immediately previous to the date hereof.

Names of any near relatives to the patient who are alive.

Whether this is first attack of lunacy.

Age (if known) on first attack.

When and where previously under care and treatment as a lunatic.

Duration of existing attack.

Supposed cause.

Whether the patient is subject to epilepsy.

Whether suicidal.

Whether the patient is known to be suffering from phthisis or any form of tubercular disease.

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[1] Full name, caste and titles.

[2] Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

[3] A day within fourteen days before the date of the presentation of the petition is requisite.

[4] Here state the relationship with the patient.

[5] Here state whether either of the persons signing the medical certificate rtner or assistant of the lunatic or of the petitioner and, if a relative of either, the exact relationship.

Whether dangerous to others, and in what way.

Whether any near relative (stating the relationship) has been affected with insanity.

Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

[The statements contained or referred to in paras are true to my knowledge. The other statements are true to my information and belief.]

[*Signature by person making the statement.*]

FORM 2.

Reception Order on Petition.

(*See sections 6, 9.*)

I, the undersigned E. F., being the District Magistrate of [*or* the Sub-Divisional Magistrate of *or* a Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under Regulation I of 1916] upon the petition of C. D. of [1] in the matter of A. B., [1] a lunatic, accompanied by the medical certificates of G. H., a medical officer, and of J. K., a medical practitioner [*or* medical officer], under the said Regulation, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have [*or* have not] personally seen the said A. B. before making this order.

(Sd.) E. F.
(*Designation as above.*)

To [2]

[1] Address and description.
[2] To be addressed to the officer or person in charge of the asylum.

FORM 3.

Medical certificate.

(*See sections 15, 16.*)

In the matter of A. B. of [1] in the town of [*or* the sub-division of in the district of] an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows:

1. I am a gazetted medical officer [*or* a medical practitioner declared by Government to be medical officer under a holder of [2] [*or* declared by Government to be a medical practitioner under Regulation I of 1916 Regulation I of 1916] and I am in the actual practice of the medical profession.

2. On the day of 19 at [3] in the $\frac{\text{town}}{\text{village}}$ of [*or* the sub division of in the district of] [*separately from any other practitioner*] [4], I personally examined the said A. B. and came to the conclusion that the said A. B. is a lunatic and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, *viz.*

(*a*) Facts indicating insanity observed by myself, *viz.*:—

(*b*) Other facts (if any) indicating insanity communicated to me by others *viz.*:—

Here state the information and from whom.

[1] Insert residence of patient.
[2] Insert qualification to practise medicine and surgery registrable in the United Kingdom.
[3] Insert place of examination.
[4] Omit this where only one certificate is required.
[5] To be addressed to the person in charge of an asylum duly authorised by Government to receive lunatic Europeans subject to the Army Act.

(Sd.) C. D.
(*Designation as above.*)

116

FORM 4.

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated sent to the asylum.

(*See sections 12, 13.*)

I, C. D., the District Magistrate of , [*or* the Sub-Divisional Magistrate of , *or* a Magistrate specially empowered by Government under Regulation I of 1916] having caused A. B. to be examined by E. F., a Medical Officer, under the Mysore Lunacy Regulation, 1916, and being satisfied that A. B. [*describing him*] is a lunatic who was wandering at large [*or* is a person dangerous by reason of lunacy] [*or* is a lunatic not under proper care and control *or* is cruelly treated or neglected by the person having the care or charge of him] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.
(*Designation as above.*)

Dated the

To the officer in charge of the asylum at Bangalore.

FORM 5.

Bond on the making over of a lunatic to the care of relative or friend.
(*See sections 12, 13.*)

Whereas A. B., son of , inhabitant of , has been brought up before C. D., the District / Sub-Divisional Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation I of 1916] and is a lunatic who is believed to be dangerous [*or* deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him] and whereas I. E. F., son of , inhabitant of , have applied to the Magistrate that the said A. B. may be delivered to my care:

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others: and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore the sum of rupees

Dated this 19

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(*Signature.*)

FORM 6.

Bond on the discharge of a lunatic from the asylum on the undertaking of relative or friend to take due care.

(*See section 30.*)

Whereas A. B., son of , inhabitant of , is a lunatic who is now detained in the lunatic asylum at Bangalore, under an order made by C. D., the District / Sub-Divisional Magistrate of , [*or* a Magistrate of the first class specially empowered under Regulation I

of 1916] under section 13 [*or* section 14] of Regulation I of 1916, and whereas I, E. F., son of , inhabitant of , have applied to the said Magistrate that the said A. B. may be delivered to my care and custody:

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Dewan of Mysore, the sum of rupees,

Dated this day of 19

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making dofault therein, we bind ourselves, jointly and severally, to forfeit to the Dewan of Mysore, the sum of rupees

Dated this day of 19

(*Signature.*)

SCHEDULE II.

ENACTMENTS REPEALED.

(*See Section 72.*)

1		2	3	4
Year		No.	Short title	Extent of Repeal
1872			Rules relating to the custody and guardianship of minors, idiots and other disqualified persons in the Province of Mysore, published in Notification by the Government of India, Foreign Department, No. 75—J., dated the 25th April 1872.	So much as has not been repealed.
1874			Rules for the reception and detention of lunatics in asylums in the Province of Mysore, published in Chief Commissioner's Notification No. 141, dated the 31st July 1874.	The whole.
1904		II	Code of Criminal Procedure, 1904	Section 471, sub-section (2) and section 472.

M. VISVESVARAYA,
Dewan.

G.R.S. 26]

SUBJECT.....

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Diary No. of letter replied to.....

Section Legis

File No. ~~25~~

Serial No. 4/11

General and Revenue Secretariat

( )

, the *191*

No. Pol 1130
Ex 11

Date of issue 11. 5. 16.

Signed by eller D. elb Varadaraja Rao.

To The F. A. Resident
in Mysore, Bangalore

Sir

I am directed to forward herewith 11 copies of Regulation I of 1916 (~~A Regulation~~ The Mysore Lunacy Regulation) which received the assent of His Highness the Maharaja on the 25th Feb.

over.

1916, and to request you to be so good as to forward 2 copies to His Highness the Nizam's Government.

I have &c.

for Secretary to Govt

Gen. Dept.

10-VI-16

List of enclosures.

Eleven.

Copied by

Examined by

6 PB—30,000—14-2-14